# Attachment 5

**to RFQ for Design Build Entity**



**Judicial Council**

**Certification Forms**

# NEW FORT ORD COURTHOUSE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

|  |  |  |
| --- | --- | --- |
|  |  | **Contents:**   1. General Certifications Form 2. DIR Contractor Registration Statement 3. Darfur Contracting Act Certification 4. Iran Contracting Act Certification 5. Unruh and FEHA Certification |

**GENERAL CERTIFICATIONS FORM**

Check the box below, if agreed, and sign this attachment. Please note that the Judicial Council will reject a proposal from a Design Build Entity that does not indicate acceptance of these clauses.

**Conflict of Interest.** Design Build Entity has no interest that would constitute a conflict of interest under California Public Contract Code (PCC) sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or California Rules of Court, rule 10.103 or 10.104, which restrict employees and former employees from contracting with judicial branch entities.

**Suspension or Debarment.** Design Build Entity certifies that neither Design Build Entity nor any of Design Build Entity’s intended subcontractors is on the California Department of General Services’ list of firms and persons that have been suspended or debarred from contracting with the state because of a violation of PCC section 10115.10, regarding disabled veteran business enterprises.

**Tax Delinquency.** Design Build Entity certifies that it is not on either (i) the California Franchise Tax Board’s list of 500 largest state income tax delinquencies, or (ii) the California Department of Tax and Fee Administration’s list of 500 largest delinquent sales and use tax accounts.

**Conflict Minerals.** Design Build Entity certifies that either (i) it is not a scrutinized company as defined in PCC section 10490(b), or (ii) the goods or services the Design Build Entity would provide to the Judicial Council are not related to products or services that are the reason the Design Build Entity must comply with Section 13(p) of the Securities Exchange Act of 1934. (Note: PCC section 10490(b) defines a “scrutinized company” as “a person that has been found to be in violation of Section 13(p) of the Securities Exchange Act of 1934 by final judgment or settlement entered in a civil or administrative action brought by the Securities and Exchange Commission and the person has not remedied or cured the violation in a manner accepted by the commission on or before final judgment or settlement.”)

**Workers’ Compensation.** Labor Code section 3700 in relevant part provides that every employer except the State shall secure the payment of compensation in one or more of the following ways: (i) by being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this state; or (ii) by securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his employees. Design Build Entity certifies it is aware of the provisions of Labor Code section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and will comply with such provisions before commencing the performance of any work.

**Check this box to indicate acceptance of the clauses above.**

|  |
| --- |
| BY *(Authorized Signature)* |
|  |
| PRINTED NAME OF PERSON SIGNING |
|  |
| TITLE of person signing |
|  |

**END OF FORM**

**DIR CONTRACTOR REGISTRATION STATEMENT**

Provide the Design Build Entity’s and any subcontractors DIR contractor registration numbers issued by the California Department of Industrial Relations or a statement that the Design Build Entity and any subcontractors will not be performing any work subject to the payment of prevailing wages.

Contractor registration numbers will be verified by accessing California Department of Industrial Relations at: <https://cadir.my.salesforce-sites.com/ContractorSearch>.

1. Design Build Entity’s DIR Public Works Contractor Registration:

|  |  |  |  |
| --- | --- | --- | --- |
| Authorized Representative Signature: |  | Expiration Date: |  |

|  |  |  |
| --- | --- | --- |
| **Subcontractor Name, if any** | **DIR PWCR #** | **Expiration Date** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

***OR***

2. Design Build Entity will not be performing any work subject to the payment of prevailing wages.

|  |
| --- |
| BY *(Authorized Signature)* |
|  |
| PRINTED NAME OF PERSON SIGNING |
|  |
| TITLE of person signing |
|  |

**END OF FORM**

**DARFUR CONTRACTING ACT CERTIFICATION**

Pursuant to Public Contract Code (PCC) section 10478, if a bidder currently or within the previous three years has had business activities or other operations outside of the United States, it must either (i) certify that it is not a “scrutinized company” as defined in PCC section 10476, or (ii) receive written permission from the Judicial Council to submit a bid.

To submit a bid to the Judicial Council, you must complete **ONLY ONE** of the following three paragraphs. To complete paragraph 1 or 2, simply check the corresponding box. To complete paragraph 3, check the corresponding box **and** complete the certification for paragraph 3.

1. We do not currently have, and we have not had within the previous three years, business activities or other operations outside of the United States.

***OR***

2. We are a “scrutinized company” as defined in PCC section 10476, but we have received written permission from the JUDICIAL COUNCIL to submit a bid pursuant to PCC section 10477(b). *A copy of the written permission from the JUDICIAL COUNCIL is included with our bid.*

***OR***

3. We currently have, or we have had within the previous three years, business activities or other operations outside of the United States, but we **certify below** that we are not a “scrutinized company” as defined in PCC section 10476.

**CERTIFICATION FOR PARAGRAPH 3:**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY, that I am duly authorized to legally bind the bidder to the clause in paragraph 3. This certification is made under the laws of the State of California.

|  |  |  |
| --- | --- | --- |
| COMPANY NAME *(Printed)* | | FEDERAL ID NUMBER |
|  | |  |
| BY *(Authorized Signature)* | | |
|  | | |
| PRINTED NAME AND TITLE OF PERSON SIGNING | | date executed |
|  | |  |
| *Executed in the County of* | *in the State of* | |
|  |  | |

**END OF FORM**

**IRAN contracting act certification**

Pursuant to Public Contract Code (PCC) section 2204, an Iran Contracting Act certification is required for solicitations of goods or services of $1,000,000 or more.

To submit a bid to the Judicial Council of California, you must complete **ONLY ONE** of the following two paragraphs. To complete paragraph 1, check the corresponding box **and** complete the certification for paragraph 1. To complete paragraph 2, simply check the corresponding box.

1. We are not on the current list of persons engaged in investment activities in Iran created by the California Department of General Services (“DGS”) pursuant to PCC section 2203(b), and we are not a financial institution extending twenty million dollars ($20,000,000) or more in credit to another person, for 45 days or more, if that other person will use the credit to provide goods or services in the energy sector in Iran and is identified on the current list of persons engaged in investment activities in Iran created by DGS.

***OR***

2. We have received written permission from the Judicial Council of California to submit a bid pursuant to PCC section 2203(c) or (d). *A copy of the written permission from the Judicial Council of California is included with our bid.*

**CERTIFICATION FOR PARAGRAPH 1:**

I, the official named below certify that I am duly authorized to legally bind the bidder to the clause in paragraph 1. This certification is made under the laws of the State of California.

|  |  |  |
| --- | --- | --- |
| COMPANY NAME *(Printed)* | | FEDERAL ID NUMBER |
|  | |  |
| BY *(Authorized Signature)* | | |
|  | | |
| PRINTED NAME AND TITLE OF PERSON SIGNING | | date executed |
|  | |  |
| *Executed in the County of* | *in the State of* | |
|  |  | |

**END OF FORM**

**UNRUH CIVIL RIGHTS ACT AND CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT CERTIFICATION**

Pursuant to Public Contract Code (PCC) section 2010, the following certifications must be provided when (i) submitting a bid or proposal to the Judicial Council of California for a solicitation of goods or services of $100,000 or more, or (ii) entering into or renewing a contract with the Judicial Council of California for the purchase of goods or services of $100,000 or more.

**CERTIFICATIONS:**

1. We are in compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code);

2. We are in compliance with the California Fair Employment and Housing Act (Chapter 7 (commencing with Section 12960) of Part 2.8 of Division 3 of the Title 2 of the Government Code); **and**

3. We do not have any policy against any sovereign nation or peoples recognized by the government of the United States, including, but not limited to, the nation and people of Israel, that is used to discriminate in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the California Fair Employment and Housing Act (Chapter 7 (commencing with Section 12960) of Part 2.8 of Division 3 of Title 2 of the Government Code).

The certifications made in this document are made under penalty of perjury under the laws of the State of California. I, the official named below, certify that I am duly authorized to legally bind the Consultant/bidder/vendor to the certifications made in this document.

|  |  |  |
| --- | --- | --- |
| COMPANY NAME *(Printed)* | | FEDERAL ID NUMBER |
|  | |  |
| BY *(Authorized Signature)* | | |
|  | | |
| PRINTED NAME AND TITLE OF PERSON SIGNING | | date executed |
|  | |  |
| *Executed in the County of* | *in the State of* | |
|  |  | |

**END OF FORM**