ATTACHMENT 6

TO RFP FOR DESIGN BUILD ENTITY FIRM

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| --- | --- | --- |
|  |  | CERTIFICATIONS |
|  |  | Courts of Appeal, New Sixth Appellate District Courthouse**Contents:**1. Proposer’s Acceptance of Terms and Conditions
2. General Certifications Form
3. California Air Resources Board In-Use Off-Road

Diesel-Fueled Fleets Certification |

**Proposer’s ACCEPTANCE OF Terms and Conditions**

**Instructions:** 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 terms and conditions.

[ ]  Design Build Entity accepts Agreement for Design Build Services (“Attachment 7”) without exception.

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

**END OF FORM**

**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.

**Qualification in California.** Design Build Entity is, and will remain for the term of the Agreement, qualified to do business and in good standing in California.

**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 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 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.

**No Gratuities.** Design Build Entity has not directly or indirectly offered or given any gratuities (in the form of entertainment, gifts, or otherwise), to any judicial branch personnel with a view toward securing the Agreement or securing favorable treatment with respect to any determinations concerning the performance of the Agreement.

**No Harassment.** Design Build Entity does not engage in unlawful harassment, including sexual harassment, with respect to any persons with whom Design Build Entity may interact in the performance of the Agreement, and Design Build Entity takes all reasonable steps to prevent harassment from occurring.

**Nondiscrimination**. Design Build Entity complies with the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and California’s Fair Employment and Housing Act (Government Code sections 12990 et seq.) and associated regulations (Code of Regulations, title 2, sections 7285 et seq.). Design Build Entity does not unlawfully discriminate against any employee or applicant for employment because of age (40 and over), ancestry, color, creed, disability (mental or physical) including HIV and AIDS, marital or domestic partner status, medical condition (including cancer and genetic characteristics), national origin, race, religion, request for family and medical care leave, sex (including gender and gender identity), and sexual orientation. Design Build Entity will notify in writing each labor organization with which Design Build Entity has a collective bargaining or other agreement of Design Build Entity’s obligations of nondiscrimination.

**Domestic Partners, Spouses, Gender, and Gender Identity.** Design Build Entity is in compliance with, and throughout the term of the Agreement will remain in compliance with: (i) Public Contract Code section 10295.3, which places limitations on contracts with contractors who discriminate in the provision of benefits on the basis of marital or domestic partner status; and (ii) Public Contract Code section 10295.35, which places limitations on contracts with contractors that discriminate in the provision of benefits on the basis of an employee’s or dependent’s actual or perceived gender identity.

**National Labor Relations Board.** No more than one, final unappealable finding of contempt of court by a federal court has been issued against Design Build Entity within the immediately preceding two-year period because of Design Build Entity's failure to comply with an order of a federal court requiring Design Build Entity to comply with an order of the National Labor Relations Board. Design Build Entity swears under penalty of perjury that this representation is true.

**Expatriate Corporations.** Design Build Entity is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code section 10286.1 and is eligible to contract with the Judicial Council of California.

**Child Support Compliance Act.** Design Build Entity recognizes the importance of child and family support obligations and fully complies with, and will continue to comply with during the term of the Agreement, all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Family Code section 5200 et seq. Design Build Entity provides the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

**Conflict Minerals.** Design Build Entity certifies that either (i) it is not a scrutinized company as defined in PCC 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 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 section 3700 of the Labor Code 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.**

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

**END OF FORM**

**CALIFORNIA AIR RESOURCES BOARD IN‑USE OFF‑ROAD DIESEL‑FUELED FLEETS CERTIFICATION**

1. **Instructions:** 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 conformance to the California Air Resources Board (“CARB”) In-Use Off-Road Diesel-Fueled Fleets requirements (Title 13 CCR sections 2449, 2449.1 and 2449.2).

[ ]  I hereby certify that I will conform to the CARB In-Use Off-Road Diesel-Fueled Fleets requirements for all Work on the Project involving the use of vehicles subject to the regulations, including, without limitation, the Contracting Requirements in Title 13 CCR section 2449, subdivision (i), subparts (1) – (4) and as applicable, the Prime Contractor Requirements in Title 13 CCR section 2449, subdivision (j), subparts (1) – (5).

1. **Instructions:** Check one (1) box below.

[ ]  Design Build Entity’s current CARB-issued Certificate of Reported Compliance is provided with this Certification.

[ ]  Design Build Entity certifies that its Work on the Project does not involve the use of vehicles subject to the CARB In-Use Off-Road Diesel-Fueled Fleets requirements.

I, the official named below certify that I am duly authorized to legally bind the Design Build Entity to the certifications made in this document. This certification is made under the laws of the State of California.

|  |  |
| --- | --- |
| PROPER NAME OF DESIGN BUILD ENTITY / SUBCONTRACTOR *(Printed)*  | FEDERAL ID NUMBER  |
|  |  |
| BY *(Authorized Signature)* |
|  |
| PRINTED NAME AND TITLE OF PERSON SIGNING | date executed |
|  |  |

THIS FORM MUST BE COMPLETED BY THE DESIGN BUILD ENTITY AND ALL SUBCONTRACTORS PERFORMING WORK INVOLVING THE USE OF VEHICLES SUBJECT TO THE REGULATION

**END OF FORM**

**END OF ATTACHMENT**