

RESOLUTION

This resolution is adopted in order to certify the approval of the Governing Board to enter into this transaction with the California Department of Education for the purpose of providing child care and development services and to authorize the designated personnel to sign contract documents for Fiscal Year 2023–24, the Continuing Funding Application, and all related contract documents.

RESOLUTION 22-06

BE IT RESOLVED that the Governing Board of

authorizes that the person/s who is/are listed below, is/are authorized to sign the transaction for the Governing Board.

NAME	TITLE	SIGNATURE
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PASSED AND ADOPTED THIS day of (month, year), by the
Governing Board of
of County, in the State of California.

I, , Clerk of the Governing Board of
 , of , County, in the
State of California, certify that the foregoing is a full, true and correct copy of a resolution
adopted by the said Board at a meeting thereof held at a
regular public place of meeting and the resolution is on file in the office of said Board.

(Clerk's Signature) (Date)

Section I – Contractor Information	
Contractor Legal Name:	Tracy Joint Unified School District
Contractor “Doing Business As” (DBA):	Tracy Joint Unified School District
Headquartered County:	39 San Joaquin
Vendor Number:	7549
Executive Director Name:	Dr. Rob Pecot
Executive Director Telephone Number:	209-830-3200
Executive Director Email Address:	rpecot@tusd.net
Legal Business Address:	1875 W. Lowell Ave
City:	Tracy
Zip Code:	95376
Mailing Address (if different from above):	
City:	
Zip Code:	
Name of Person Completing the CFA:	Rocio Garcia
Title of Contact Person Completing the CFA:	School Readiness Preschool Program Specialist
Contact Person Telephone Number:	209-830-3294
Contact Person Email Address:	rgarcia@tusd.net

Contractor Name	Vendor #	County
Tracy Joint Unified School District	7549	39 San Joaquin

Section II, Part 1 – Contract and Program Type

Check all applicable boxes indicating the programs the contractor intends to continue to administer for the FY 2023–24. The contractor agrees to continue implementation of these programs with funds provided by the CDE.

Contract Type

☒ CSPP ☐ CPKS

Does the CSPP operate a Family Childcare Home Education Network (FCHEEN)?

☐ Yes

☒ No

Program Type

☐ Full-Day/Full-Year ☒ Part-Day/Part-Year ☐ Full-Day/Part-Year ☐ Part-Day/Full-Year

Section II, Part 2 – Funded Enrollment

Insert the number of children your agency expects to enroll with the CSPP contract for each county services are provided, as applicable.

1. County Name: San Joaquin

Number of Children to be Enrolled in Part-Day CSPP in the County: 120

Number of Children to be Enrolled in Full-Day CSPP in the County:

Total Number of Children to be Enrolled in the County:

2. County Name:

Number of Children to be Enrolled in Part-Day CSPP in the County:

Number of Children to be Enrolled in Full-Day CSPP in the County:

Total Number of Children to be Enrolled in the County:

3. County Name:

Number of Children to be Enrolled in Part-Day CSPP in the County:

Number of Children to be Enrolled in Full-Day CSPP in the County:

Total Number of Children to be Enrolled in the County:

Total Number of CSPP Children to be Enrolled: 120

To request a change to these numbers during the fiscal year, the contractor must submit a Program Narrative Change to request approval from their assigned regional consultant. The new "Number of Children" must also be reported during the Program Self Evaluation survey.

Contractor Name **Vendor #** **County**
Tracy Joint Unified School District **7549** 39 San Joaquin

Section III – Contractor’s Officers and Board of Directors Information				
Does the contractor have a board of directors?		<input checked="checked" type="checkbox"/> Yes <input type="checkbox"/> No		
If no, please explain the entity type and the governance structure (i.e., number of owners and partnership)				
List all officers and board members/governing individuals (i.e., owner, director, etc.) Attach additional sheets as necessary.				
Officer, Board Member, Owner or Governing Individual Name	Title	Telephone Number	Mailing Address	Email Address
Steve Abercrombie	Board Member	209-470-2892	1220 Cherry Blossom Ln Tracy, CA 95377	sabercrombie@tusd.net
Zachary Hoffert	Board Member	209-830-3201	1875 W Lowell Ave Tracy, CA 95376	zhoffert@tusd.net
Lynn Dell Hawkins	Board Member	209-830-3201	1875 W Lowell Ave Tracy, CA 95376	ldhawkins@tusd.net
RG Fagin	Board Member	209-830-3201	1875 W Lowell Ave Tracy, CA 95376	rfagin@tusd.net
Jeremy Silcox	Board Member	209-830-3201	1875 W Lowell Ave Tracy, CA 95376	jsilcox@tusd.net
Ana Blanco	Board Member	209-830-3201	1875 W Lowell Ave Tracy, CA 95376	ablanco@tusd.net
Olinga Alexander	Board Member	209-830-3201	1875 W Lowell Ave Tracy, CA 95376	oaalexander@tusd.net
<p>Have any of the listed officers, board members, owners or other governing individuals ever served as an officer, board member, owner or governing individual with an agency that received state or federal funding and which agency funding was terminated or involuntarily non-renewed, or the agency was debarred from funding for any period of time?</p> <p style="text-align: center;"> <input type="checkbox"/> Yes <input checked="checked" type="checkbox"/> No </p> <p>If yes, list on a separate page the officer(s), board member(s), owner(s) or other governing individual(s) to which this applies and include the former agency(ies) with which the individual(s) was/were previously affiliated and the circumstances leading to the termination, involuntary non-renewal or debarment.</p>				

Contractor Name	Vendor #	County
Tracy Joint Unified School District	7549	39 San Joaquin

Section IV – Program Narrative

A. Please select the box below if the contractor **does not** have programmatic **or** calendar changes.

☐ No changes

B. Please select all applicable fields below if the contractor **does** have programmatic **or** calendar changes. Programmatic or Minimum Days of Operation (MDO) changes require completion of a form EED 3704A. This form is available on the CFA web page at:
<https://www.cde.ca.gov/sp/cd/ci/cfaforms2324.asp>.

NOTE: Program calendars must be submitted for all CSPP program types ([1] full-day/full-year, [2] part-day/part-year, [3], full-day/part-year, and [4] part-day/full-year, as applicable. Making changes to the MDO does not change the contract Maximum Reimbursable Amount (MRA).

☒ Programmatic change

☐ MDO change

Contractor Name	Vendor #	County
Tracy Joint Unified School District	7549	39 San Joaquin

Section V – Personnel Certification	
The State of California requires any contractor receiving early education and care funding, disbursed by the CDE, to employ fully qualified personnel as stipulated in the Education Code (EC); and the 5 CCR; and the CT&Cs.	
I certify, as the authorized agent representing this contractor, that I have read and understand the staffing requirements for Program Director, Site Supervisor, and Teacher. All staff employed by the contractor for the provision of preschool services are fully qualified for their respective positions. The exception to this certification is a person employed as Program Director or Site Supervisor who possesses a current Staffing Qualifications Waiver approved by the Early Education Division.	
Signature of the Contractor's Authorized Representative:	
Printed Name and Title of the Contractor's Authorized Representative:	Dr. Mary Petty, Director Continuous Improvement, State and Federal Programs
Date of Signature:	
Authorized Representative's Telephone Number:	209-830-3210
Authorized Representative's Email Address:	mpetty@tUSD.net

Contractor Name	Vendor #	County
Tracy Joint Unified School District	7549	39 San Joaquin

Section VII – Contractor Certification

Under penalty of perjury, I certify the following:

- I am authorized by the contractor's Board of Directors or other governing authority to execute this CFA, signifying their intent to automatically renew the current CSPP contract, and CPKS contract if applicable, for FY 2023–24, under new terms and conditions to be established by the CDE, unless rejected in writing prior to the effective date of the new contract(s) on June 30, 2023.
- On behalf of the contractor and its governing authority, the contractor understands some information requested in this CFA is intended for use by CDE auditors in connection with future audit work and performance reviews and may not be used, reviewed, or considered by the CDE until after the contract has expired, if ever. Therefore, the contractor further understands that the information (and any underlying transactions) disclosed by this CFA shall not be considered properly noticed to the CDE, nor approved, accepted, or authorized by the CDE, even if the contractor's request for continued funding by the CDE is subsequently approved.
- The governing board members or persons with governing authority have been trained in understanding conflict of interest requirements associated with their positions on the board and have reported all known conflicts of interest.
- The signer has supervisory authority over the CSPP, have actual, personal knowledge of the information provided in this CFA, and certify that it is true and correct in all material respects.
- The signer is familiar with and will ensure that the contractor complies with all applicable program statutes and regulations, including but not limited to:
 - Subcontracting requirements, including competitive bidding, CDE approval, and audit requirements in 5 CCR.
 - Prohibitions on conflicts of interests, including (i) the assurances required to establish that transactions with officers, directors and other related party transactions are conducted at arm's length, and (ii) employment limitations stated in EC.
 - Cost reimbursement requirements, including reimbursable and non-reimbursable costs, documentation requirements, the provisions for determining the reimbursable amount and other provisions in 5 CCR, and accounting and reporting requirements in 5 CCR.
 - Operational and programmatic requirements.

Contractor Name	Vendor #	County
Tracy Joint Unified School District	7549	39 San Joaquin

By signing this CFA, the contractor is indicating that it wishes to automatically renew the current contract for FY 2023–24 and, if approved, is willing to, and does accept, all terms and conditions of the contract, which will be provided to the contractor no later than June 1, 2023. The contractor may reject the FY 2023–24 contract by providing the CDE with a written notice of rejection no later than June 30, 2023. Contractors that wish to reject the terms of the FY 2023–24 contract must provide written notice that the terms of the contract are rejected by emailing ChildDevelopmentContracts@cde.ca.gov on or before June 30, 2023. The email should come from the Executive Director/Superintendent of the contracting entity or their authorized representative and state that the terms of the FY 2023–24 CSPP contract, and CPKS contract if applicable, are rejected. Contractors providing such notice to the CDE of the rejection of the terms of the contract(s) will not have a contract(s) in effect for FY 2023–24.

Signature of the Contractor's Authorized Representative:	
Printed Name and Title of the Contractor's Authorized Representative:	Dr. Mary Petty, Director Continuous Improvement, State and Federal Programs
Date of Signature:	
Authorized Representative's Telephone Number:	209-830-3210
Authorized Representative's Email Address:	mpetty@tusd.net

Contractor Name	Vendor #	County
Tracy Joint Unified School District	7549	39 San Joaquin

Section VIII

Certification of Contractor Information in the CDMIS

CSPP contractors are required to review all information in the Child Development Management Information System (CDMIS) and update any outdated or incorrect information. To review the information and submit changes, log on to the [CDMIS](#).

As the authorized representative of the CSPP contractor listed below, I certify, under penalty of perjury, that I have reviewed all of the information for **Tracy Joint Unified School District** and updates, additions, or deletions have been submitted as needed for information in all of the areas below:

- Executive Director/Superintendent information
- Program Director information
- Site and/or Office information including:
 - Associated license or license-exempt information per site
 - Number of children served in assigned contract per site
 - Site Supervisor information
- CSPP FCCHEN provider summary information, if applicable, including:
 - Number of homes
 - Total number of children by age group served in FCCHEN

To the best of my knowledge, the information on the CDMIS website reflects accurate information for **Tracy Joint Unified School District** as of the date this certification is signed.



Program Director/Authorized Representative Signature

Date Signed

Dr. Mary Petty

Printed Name of Program Director/Authorized Representative


North Elementary

County	San Joaquin
District	<u>Tracy Joint Unified</u>
School	North Elementary
CDS Code	39 75499 6042865
School Address	2875 Holly Dr. Tracy, CA 95376-2134 Google Map 
Mailing Address	2875 Holly Dr. Tracy, CA 95376-2134
Phone Number	(209) 830-3350
Fax Number	(209) 830-3351
Email	Information Not Available
Web Address	www.tracy.k12.ca.us/sites/nes 
Administrator	Mayte Ramirez Principal mramirez@tusd.net
Status	Active
Open Date	July 1, 1980
School Type	Elementary Schools (Public)
Educational Program Type	Traditional
Low Grade	K
High Grade	8
Public School	Yes
Charter	No
Magnet	No
Year Round	No
Virtual Instruction	Not Virtual



Multilingual Instruction	Yes
NCES/Federal School ID	07390
CDS Coordinator (Contact for Data Updates)	Michael Bunch (209) 830-3260 Ext. 1303 Request Data Update(s) .
Last Updated	October 5, 2022

Directory Disclaimer

The California School Directory and related public school and district data files (collectively referred to as the "Directory"), contain information about California schools, districts, and school/district administrators that is voluntarily self-reported by local education agencies (LEAs) to the California Department of Education (CDE) as a public convenience. Because the information is voluntarily self-reported, the Directory does not contain information for every LEA and the information that is in the Directory may be outdated or have errors, omissions, typos and other inaccuracies. Therefore, information, or the absence of information, in the Directory should not be relied upon for any purpose and should be used only to contact the LEA. The CDE makes no representation or warranty, express or implied, with respect to Directory information.

For information regarding LEA accreditation, please visit the US Department of Education's [Accreditation and Quality Assurance](#)  web page.


South/West Park Elementary

County	San Joaquin
District	<u>Tracy Joint Unified</u>
School	South/West Park Elementary
CDS Code	39 75499 6042881
School Address	500 West Mount Diablo Rd. Tracy, CA 95376-4625 Google Map 
Mailing Address	500 West Mount Diablo Rd. Tracy, CA 95376-4625
Phone Number	(209) 830-3335
Fax Number	(209) 830-3336
Email	Information Not Available
Web Address	www.tracy.k12.ca.us/sites/swpes 
Administrator	Ramona Soto Principal rsoto@tUSD.net
Status	Active
Open Date	July 1, 1980
School Type	Elementary Schools (Public)
Educational Program Type	Traditional
Low Grade	P
High Grade	5
Public School	Yes
Charter	No
Magnet	No
Year Round	No
Virtual Instruction	Not Virtual



Multilingual Instruction	Yes
NCES/Federal School ID	07393
CDS Coordinator (Contact for Data Updates)	Michael Bunch (209) 830-3260 Ext. 1303 Request Data Update(s)
Last Updated	October 5, 2022

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For information regarding LEA accreditation, please visit the US Department of Education’s [Accreditation and Quality Assurance](#)  web page.


Louis J. Villalovoz Elementary

County	San Joaquin
District	<u>Tracy Joint Unified</u>
School	Louis J. Villalovoz Elementary
CDS Code	39 75499 6106488
School Address	1550 Cypress Dr. Tracy, CA 95376-4017 Google Map 
Mailing Address	1975 West Lowell Ave. Tracy, CA 95376-2238
Phone Number	(209) 830-3331
Fax Number	(209) 830-3332
Email	Information Not Available
Web Address	www.tracy.k12.ca.us/sites/ves 
Administrator	Erin Quintana Principal equintana@tusd.net
Status	Active
Open Date	July 1, 1980
School Type	Elementary Schools (Public)
Educational Program Type	Traditional
Low Grade	K
High Grade	5
Public School	Yes
Charter	No
Magnet	No
Year Round	No
Virtual Instruction	Not Virtual

Multilingual Instruction	Yes
NCES/Federal School ID	07396
CDS Coordinator (Contact for Data Updates)	Michael Bunch (209) 830-3260 Ext. 1303 Request Data Update(s)
Last Updated	October 5, 2022

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Program Narrative Change

Fiscal Year 2023–24

Contractor Legal Name (Full spelling of legal name required. Acronyms or site names not accepted):

Tracy Joint Unified School District

Four-Digit Vendor Number: 7549

County: 39 San Joaquin

Program Type: California State Preschool Program (CSPP)

Change Type (Check one):

☐

Calendar (MDO) Change

☒

Programmatic Change

Please include responses to the following (3) questions below:

1. Identify the program component for which you are requesting a change.

Add an additional afternoon state preschool class from 12:30-3:30 pm at Villalovoz Preschool, an already licensed facility in our program currently serving First 5 students in the AM session from 8:30-11:30am.

2. Describe how the program currently provides services to children and families in relation to the above-identified program component.

The program currently serves children and families containing 3-4 year old children in our state program in licensed facilities located at North and South West Park Preschool locations.

3. Describe the proposed change, and how services will be improved if the change is implemented.

Adding an additional PM class at Villalovoz Preschool will allow us to serve more families in our community by opening up an additional part-day preschool classroom.

Under penalty of perjury, I certify as the authorized contractor representative, that all applicable State and federal statutes and regulations will be observed.

Name and Title of Authorized Representative:

Dr. Mary Petty, Director Continuous Improvement

Telephone:

209-830-3200

Signature of Authorized Representative:

Date:

CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION

Pursuant to Public Contract Code section 2010, if a bidder or proposer executes or renews a contract in the amount of \$100,000 or more on or after January 1, 2017, the bidder or proposer hereby certifies compliance with the following:

1. CALIFORNIA CIVIL RIGHTS LAWS: For contracts \$100,000 or more, executed or renewed after January 1, 2017, the contractor certifies compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code); and
2. EMPLOYER DISCRIMINATORY POLICIES: For contracts \$100,000 or more, executed or renewed after January 1, 2017, if a Contractor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor certifies that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

CERTIFICATION

I, the official named below, certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

1. Proposer/Bidder Firm Name (Printed):
Tracy Joint Unified School District
2. Federal ID Number:
941-05-5500
3. By (Authorized Signature):
4. Printed Name and Title of Person Signing:
Dr. Mary Petty, Director Continuous Improvement, State & Federal Programs
5. Date Executed:
6. Executed in the County and State of:
San Joaquin County, California

Contractor Certification Clauses

CCC 04/2017

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

Contractor/Bidder Firm Name (Printed)	Federal ID Number
Tracy Joint Unified School District	941-05-5500
By (Authorized Signature)	

Printed Name and Title of Person Signing	
Dr. Mary Petty, Director Continuous Improvement, State & Federal Programs	
Date Executed	Executed in the County of
	San Joaquin County

CONTRACTOR CERTIFICATION CLAUSES

1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

- 1) the dangers of drug abuse in the workplace;
- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,

2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that Contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably

required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.3.

8. GENDER IDENTITY: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.35.

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and

Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

FEDERAL CERTIFICATIONS

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 45 CFR Part 93, "New restrictions on Lobbying," and 45 CFR Part 76, "Government-wide Debarment and Suspension (Non procurement) and Government-wide requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 45 CFR Part 93, for persons entering into a grant or cooperative agreement over \$100,000 as defined at 45 CFR Part 93, Sections 93.105 and 93.110, the applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement;
- (b) If any funds other than federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an employee of Congress, or any employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," in accordance with this instruction;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by executive Order 12549, Debarment and Suspension, and other responsibilities implemented at 45 CFR Part 76, for prospective participants in primary or a lower tier covered transactions, as defined at 45 CFR Part 76, Sections 76.105 and 76.110.

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction violation of federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period proceeding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 45 CFR Part 76, Subpart F, for grantees, as defined at 45 CFR Part 76, Sections 76.605 and 76.610-

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

(b) Establishing an on-going drug-free awareness program to inform employees about-

(1) The danger of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title,

to: Director, Grants, and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571.

Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d) (2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency:

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Tracy Unified School District Office 1875 W. Lowell Avenue
Tracy, CA 95376 San Joaquin County

North Preschool
2875 Holly Dr, Portable 1
Tracy, CA 95376 San Joaquin County

South West Park Preschool
500 W. Mount Diablo Ave
Tracy, CA 95376 San Joaquin County

Villalovoz Preschool
1550 Cypress Drive
Tracy, CA 95376 San Joaquin County

Check ☐ if there are workplaces on file that are not identified here.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 45 CFR Part 76, Subpart F, for grantees, as defined at 45 CFR Part 76, Sections 76.605 and 76.610-

- a. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant, and
- b. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and contracts Service, U.S. department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3) Washington, DC 20202-4571. Notice shall include the identification numbers(s) of each affected grant.

ENVIRONMENTAL TOBACCO SMOKE ACT

As required by the Pro-Children Act of 1994, (also known as Environmental Tobacco Smoke), and implemented at Public Law 103-277, Part C requires that:

The applicant certifies that smoking is not permitted in any portion of any indoor facility owned or leased or contracted and used routinely or regularly for the provision of health care services, day care, and education to children under the age of 18. Failure to comply with the provisions of this law may result in the imposition of a civil monetary penalty of up to \$1,000 per day. (The law does not apply to children's services provided in private residence, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for in-patient drug and alcohol treatment.)

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT (CONTRACTOR)

Tracy Joint Unified School District

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Dr. Mary Petty, Director Continuous Improvement

SIGNATURE

DATE