

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**



(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	<b>NOTICE FILE NUMBER</b> Z-2013-0226-04	<b>REGULATORY ACTION NUMBER</b> 2013-0517-020	<b>EMERGENCY NUMBER</b>
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For use by Office of Administrative Law (OAL) only

2013 MAY 17 PM 3:43

OFFICE OF ADMINISTRATIVE LAW

NOTICE REGULATIONS

ENDORSED FILED  
IN THE OFFICE OF

2013 JUN 25 PM 2:16

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

**AGENCY WITH RULEMAKING AUTHORITY**  
State Allocation Board

AGENCY FILE NUMBER (if any)

**1. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
1. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2013, 10-2	PUBLICATION DATE 3/8/2013

**3. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Cerro F. Greene School Facilities Act of 1998; LCP, AB 1506	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-1220-02E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT Regulation Section 1859.97
	AMEND Regulation Sections 1859.2 and 1859.90.2, and associated Form SAB 50-05
TITLE(S) 2	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Lisa Jones	TELEPHONE NUMBER (916) 376-1753	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) lisa.jones@dgs.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Lisa Silverman</i>	DATE May 17, 2013
TYPED NAME AND TITLE OF SIGNATORY Lisa Silverman, Executive Officer, State Allocation Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 25 2013

Office of Administrative Law

Section 1859.2. Definitions.

.....  
"Form SAB 50-05" means the *Fund Release Authorization*, Form SAB 50-05 (Revised 01/13), which is incorporated by reference.

.....  
Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72(k), 17079, 17079.10, 17280, 56026, and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 and 1771.5, Labor Code.

Section 1859.90.2. Priority Funding Process.

The priority funding process allows the Board to distribute available funds to districts or charter schools that request, pursuant to (a) or (b) below, as applicable, an Apportionment or an advance release of funds from a Preliminary Apportionment or Preliminary Charter School Apportionment, during specific 30-calendar day filing periods beginning with July 27, 2011 and continuing with the 2nd Wednesday of January and the 2nd Wednesday of July of 2012. Requests submitted during the filing periods described above are valid until the next filing period begins. The specific 30-calendar day filing periods subsequent to 2012 begin with January 9, 2013 and continue with the 2nd Wednesday of May and the 2nd Wednesday of November, each calendar year. Requests submitted during a filing period beginning with January 9, 2013 are valid until June 30, 2013. Requests submitted during a filing period beginning with the 2nd Wednesday of May are valid from July 1 until December 31 of that year. Requests submitted during a filing period beginning with the 2nd Wednesday in November are valid from January 1 until June 30 of the following year. Requests must be physically received by the OPSC by the 30th calendar day of each filing period to be considered valid.

- (a) In order to be considered for an Apportionment, approved advance release of design funds from a Preliminary Charter School Apportionment, or approved advance release of environmental hardship site acquisition funds from a Preliminary Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative that includes each of the project application numbers, and the type of apportionment request (e.g., Apportionment, separate apportionment for design or site acquisition), within the 30-calendar day filing period, and shall contain all of the following:
  - (1) Statement that the request is to convert the unfunded approval to an Apportionment or to receive an approved advance release of funds; and
  - (2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 90 calendar days of Apportionment or approved advance release of funds request and that failure to do so will result in the rescission of the Apportionment or approved advance release of funds request without further Board action; and
  - (3) Acknowledgement that, if the district submits the Form SAB 50-05 on or after July 1, 2013 and is required to submit an LCP third party report, pursuant to Section 1859.97(b), the report will be submitted to the OPSC and the DIR at least 60 days prior to submitting the Form SAB 50-05; and
  - (4) For those receiving an Apportionment, acknowledgement that by participating in the priority funding process, the district or charter school is waiving its right to the 18 month timeline for fund release submittal described in Section 1859.90.
- (b) In order to be considered for an approved advance release of site acquisition funds from a Preliminary Charter School Apportionment, the district or charter school must provide a priority funding request in the form of a written statement signed by an authorized representative within the 30-calendar day filing period, and shall contain all of the following:
  - (1) Statement that the request is to convert the advance release of funds to an approved advance release of funds request; and,
  - (2) Acknowledgement that a valid, original signature Form SAB 50-05 must be submitted and physically received by the OPSC within 180 calendar days of the approved advance release of funds request and that failure to

do so will result in the rescission of the approved advance release of funds request without further Board action; and

- (3) Acknowledgement that it must provide evidence that it has entered into the Charter School Agreements within 90 calendar days of approval of the advance release of funds request and that failure to do so will result in the rescission of the approval without further Board action.
- (c) If a district or charter school receives an Apportionment or approved advance release of funds request through the priority funding process, the OPSC must receive a valid, original signature copy of the Form SAB 50-05 within the specified time period, pursuant to (a)(2) or (b)(2) as applicable. If the OPSC does not receive a valid, original signature copy of the Form SAG 50-05 within the time period:
  - (1) The priority funding Apportionment or approved advance release of funds request shall be rescinded without further Board action, and
  - (2) If the application is not subject to rescission pursuant to Section 1859.90.3(c) as defined in Section 1859.90.3(d), the application shall return to the Unfunded List (Lack of AB 55 Loans) with a new unfunded approval date that is 90 calendar days from the date of Apportionment or approval of the advance release of funds request.
- (d) In the event that the amount of requests received during a specific 30-calendar day filing period exceeds the funds available, the Board shall apportion based on the unfunded approval date and the application received date up to the available cash from each bond source. Projects that have requested to participate in the priority funding process for which an Apportionment cannot be provided shall retain their date order position on the Unfunded List (Lack of AB 55 Loans). Requests not converted to apportionments will not be returned to the district or kept by the OPSC.
- (e) For purposes of this section "rescinded" or "rescission" shall mean that the apportionment or approved advance release of funds request returns to unfunded approval status with a new unfunded approval date. The new unfunded approval date will be 90 calendar days from the apportionment date. The district or charter school will not be required to re-submit the application and no further application review will be required.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42 and 17077.45, Education Code.

#### Regulation Section 1859.97.

#### Section 1859.97. Labor Compliance Program Documentation for Fund Release.

As required pursuant to Labor Code Section 1771.7 subdivisions (a) and (b), for any project funded in whole or in part from Proposition 47 or Proposition 55 for which the construction contract is awarded prior to January 1, 2012, the district shall initiate and enforce, or contract with a third party to initiate and enforce, an LCP, with respect to that project. For purposes of obtaining the release of bond funds from the Board, the following LCP requirements shall be met:

- (a) The district shall submit a written finding to the OPSC ~~and the DIR~~ that the district has initiated and enforced, or has contracted with a third party to initiate and enforce, the LCP with respect to that project.
- (b) Where the construction contract was signed either prior to the district's LCP being approved by the DIR or prior to the district entering into a contract with a third party to implement the LCP, the district shall be determined to have complied with Labor Code Section 1771.7(a), only upon satisfaction of all of the following:
  - (1) The DIR has approved either the district's or the third party LCP, and such approval had not been revoked at the time of implementing the LCP.
  - (2) The district or the third party with whom the district contracted to implement its LCP submitted an application for approval of its LCP in accordance with the DIR's LCP regulations prior to January 1, 2012;
  - (3) The district submits the report of a third party that has been approved by the DIR to operate an LCP in accordance with DIR LCP regulations, and such approval has not been revoked as of the date of the report. In the case of a district that has entered into a contract with a third party to implement the LCP, the report must be prepared by a different third party that has been approved by DIR to implement an LCP, and such

approval had not been revoked as of the date of the report. The report must be submitted to the OPSC and the DIR and include all of the following:

- (A) Verification that the applicable duties of an LCP were performed on the project as set forth in Labor Code Section 1771.5(b) and DIR regulations; and
- (B) Verification that the performance of the applicable LCP duties began within one month after the commencement of the construction work on the project as set forth in Labor Code Section 1771.7(b); and
- (C) A written record of the LCP's confirmation of payroll records for each month in which a contractor or subcontractor reports having workers employed on the public work pursuant to Title 8 California Code of Regulations, Section 16432(c).
- (4) The district shall provide notice to each worker for which confirmation of payroll records has been performed pursuant to Title 8 California Code of Regulations, Section 16432(c), informing that the district has submitted a written report to the OPSC that the district has initiated and enforced, or contracted with a third party to initiate and enforce, a labor compliance program on the project to monitor and ensure the payment of prevailing wages to workers. The notice shall inform these workers of the manner in which they may contact the OPSC and the DIR concerning the accuracy of the report set forth in subsection (b)(3) above.
- (5) The district shall provide the DIR a copy of the report set forth in subsection (b)(3) above at the same time the report is submitted to the OPSC. The DIR may notify the OPSC if the DIR determines the verifications in the awarding body's report to be incorrect.
- (6) The report shall not be determined to comply with Labor Code Section 1771.7(a) if the DIR submits the notice described in subsection (b)(5) above within 60 calendar days of receiving the report in subsection (b)(3) above.

Note: Authority cited: Sections 17070.35, Education Code.

Reference: Sections 17072.32 and 17074.16, Education Code and Sections 1771.5 and 1771.7, Labor Code.

**GENERAL INFORMATION****(Refer to Title 2, California Code of Regulations, Sections 1859.90 and 1859.91)**

After a School Facility Program (SFP) grant has been funded by the Board, the Office of Public School Construction (OPSC) will release the apportioned funds with the exception of design funds, to the appropriate county treasury once the district has completed and submitted this form to the OPSC. Design funds will automatically be released to the district within 30 days of the apportionment, with the exception of Preliminary Apportionments.

The following documents must be submitted with this form (as appropriate):

1. Signature page of the contract(s) that meets the requirement for a fund release (Part V and/or VII).
2. Notice(s) to Proceed.
3. For projects for which construction contracts were awarded prior to January 1, 2012, and that require a Labor Compliance Program (LCP) pursuant to Labor Code Section 1771.7:
  - All school district and/or third party provider Department of Industrial Relations approval letters (initial, extension(s) and/or final).
  - Third party contract(s).
  - A written finding that the district has initiated and enforced, or had contracted with a third party to initiate and enforce, an LCP pursuant to Section 1859.97(a).
  - If the district is submitting this form pursuant to Section 1859.90.2 on or after July 1, 2013, and if the district's LCP approval or contract date with an approved third party is subsequent to the construction contract date(s), the district must have submitted an LCP third party's report, pursuant to Section 1859.97(b), at least 60 days prior to submitting this form.
4. For all projects for which construction contracts are awarded on or after January 1, 2012:
  - Acknowledgement from the Department of Industrial Relations (DIR) of receipt of the district's notice. However, if the construction contract was awarded between January 1, 2012 and July 1, 2012, a copy of the Notice to DIR from the district with proof of mailing will be accepted in lieu of the DIR acknowledgement. The district understands that if it fails to meet the requirements in Labor Code Section 1771.3, it will be required to repay all state bond funds received including interest.
5. For new construction projects that complete Part V attach:
  - Accepted bid documents including additive/deductive alternates.

For the purposes of completing this form to obtain a fund release for a Final Charter School Apportionment, a charter school shall be treated as a school district.

For the purposes of completing this form to obtain a fund release for a Final Career Technical Education Facilities Apportionment, a joint powers authority shall be treated as a school district.

**SPECIFIC INSTRUCTIONS****Part I. Preliminary Apportionment—Design Only**

Check the boxes if the district has current financial hardship status pursuant to Section 1859.81 and is requesting release of Preliminary Apportionment funds for design, engineering, and other preconstruction project costs. Attach to this form the California Department of Education (CDE) Letter pursuant to Section 1859.149(a)(2).

**Part II. Preliminary Charter School Apportionment**

Check the boxes if the charter school is requesting a release of a Preliminary Charter School Apportionment for design and/or separate site apportionment pursuant to Section 1859.164.2. Attach to this form the Charter School Agreements.

**Part III. Separate Site Apportionment**

Check the box, for release of a separate site apportionment provided pursuant to Sections 1859.75.1 or 1859.81.1 or for release of Preliminary Apportionment site only acquisition pursuant to 1859.153(b) or (c).

**Part IV. Overcrowding Relief Grant - Advance Site Funds**

Check the boxes if the district is requesting an advance release of funds pursuant to Section 1859.184.1.

**Part V. New Construction/Modernization/Charter School Rehabilitation**

Check the box(es) for release of new construction, modernization or rehabilitation funds and enter the following:

- a. Date of written approval by the Division of the State Architect (DSA).
- b. Enter the percent of the construction the district has under binding contract(s).
- c. Issue date of the Notice to Proceed for the construction phase of the project(s); and,
- d. Award date(s) of the construction contract(s) entered into by the district for this project. (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)

For Final Charter School Apportionment attach to this form the Charter School Agreements if not previously submitted or if since revised.

**Part VI. New Construction—Site Acquisition Only**

Check the boxes if the district is requesting a separate release of site acquisition funds as part of a new construction project.

**Part VII. Joint-Use Projects**

Check the boxes if the district is requesting release of joint-use project funds.

**Part VIII. Identify District and Joint-Use Partners' Funding Sources**

Check the appropriate box(es) that identify the district funding sources that have or will be used for the district's share of the project.

**Part IX. Career Technical Education Facilities Projects**

Check the appropriate box(es) in Part VIII if the district is requesting a release of Career Technical Education Facilities funds.

**Part X. Identify District's Construction Delivery Method**

Check the appropriate box that identifies the construction delivery method that the district utilized for this project.

SCHOOL DISTRICT	APPLICATION NUMBER
SCHOOL NAME	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY)
COUNTY	HIGH SCHOOL ATTENDANCE AREA (HSAA) (IF APPLICABLE)

**Part I. Preliminary Apportionment—Design Only**

- The district certifies it has complied with Section 1859.149(a).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies that it currently has Financial Hardship status under the provisions of Section 1859.81.

**Part II. Preliminary Charter School Apportionment**

**A. Design Only**

- Pursuant to Section 1859.164.2(a), must be able to check all boxes:
- The Charter School certifies that its applicable matching share has either:
    - been deposited in the County School Facility Fund
    - has already been expended by the Charter School for the project
    - will be expended by the Charter School prior to the Notice of Completion for the project
  - The Charter School certifies it has current financial soundness status from the California School Finance Authority.
  - The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

**B. Separate Site Apportionment**

- Pursuant to Section 1859.164.2(b), must be able to check all boxes:
- Release site acquisition funds. The Charter School certifies the funds are needed to place on deposit in order to secure the site acquisition.
  - The Charter School certifies that its applicable matching share has either:
    - been deposited in the County School Facility Fund
    - has already been expended by the Charter School for the project
    - will be expended by the Charter School prior to the Notice of Completion for the project
  - The Charter School certifies it has current financial soundness status from the California School Finance Authority.
  - The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

**Part III. Separate Site Apportionment**

- RA on additions to existing school sites pursuant to Section 1859.74.4.
- Pursuant to Sections 1859.75.1 or 1859.81.1, district must be able to check both boxes:
- Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
  - The district certifies that its applicable matching share has either:
    - been deposited in the County School Facility Fund

- has already been expended by the district for the project
- will be expended by the district prior to the Notice of Completion for the project

**Part IV. Overcrowding Relief Grant - Advance Site Funds**

Pursuant to Section 1859.184.1, districts that have received Financial Hardship approval that are acquiring sites through condemnation must be able to check all boxes:

- Release site acquisition funds. The district certifies the funds are needed to place on deposit in order to secure the site acquisition.
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies that it will produce an order of prejudgment possession once obtained from the court, and prior to any additional fund releases for the project.

**Part V. New Construction/Modernization/Charter School Rehabilitation**

District/Charter School must be able to check all boxes:

- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for \_\_\_\_\_ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), which received written DSA approval on \_\_\_\_\_, and has issued the Notice(s) to Proceed on \_\_\_\_\_ for that contract(s) awarded on \_\_\_\_\_.  
 (If the space provided is not sufficient for all applicable contract dates, please list all dates on a separate attachment to this form.)
- If the district certified compliance with Education Code Section 17070.955 on its Application for Funding (Form SAB 50-04) and if it was not previously sent with the Form SAB 50-04, then the district must submit written confirmation from the district's career technical advisory committee indicating that the need for vocational and career technical facilities is being adequately met within the district consistent with Education Code Sections 51224, 51225.3(b), 51228(b), and 52336.1.

The Charter School must also be able to check the following box:

- The Charter School certifies it has entered into the Charter School Agreements pursuant to Section 1859.164.2.

The amount of State funds released for new construction shall be 100 percent of the total SFP New Construction Adjusted Grant, less any site acquisition funds previously released in Part III.

The amount of State funds released for modernization shall be 100 percent of the SFP Modernization Adjusted Grant.

**Part VI. New Construction—Site Acquisition Only**

District must be able to check both boxes:

- The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project

The amount of State funds released shall be equal to the additional grant provided for site acquisition.

**Part VII. Joint-Use Projects**

- The district certifies that the Joint-Use Partners' financial contribution has either:
  - been received and deposited in the County School Facility Fund
  - has been received and expended by the district
  - will be received and expended by the district prior to the Notice of Completion for the project
- The district certifies it has entered into a binding contract(s) for \_\_\_\_\_ percent of the construction (must be at least 50 percent of the construction included in the plans and specifications applicable to the state funded project), and has issued the Notice to Proceed on \_\_\_\_\_ for that contract signed on \_\_\_\_\_.

The amount of State funds released for new construction shall be 100 percent of the Joint-Use Grant.

**Part VIII. Identify District and Joint-Use Partners' Funding Sources**

- Available bond funds such as general obligation, or Mello-Roos.
- Available developer fees, proceeds from the sale of surplus property, or federal grants.
- Other funds available (identify)
- Funds already expended by the district for the project.
- Funds already expended by the Joint-Use Partners for the project.
- Future revenue sources to be used for the project (identify)

**Part IX. Career Technical Education Facilities Projects**

- The district certifies that its applicable matching share has either:
  - been deposited in the County School Facility Fund
  - has already been expended by the district for the project
  - will be expended by the district prior to the Notice of Completion for the project
- If the district requested a loan for its matching share pursuant to Section 1859.194, the district certifies that it has entered into a loan agreement with the State.

**Part X. Identify District's Construction Delivery Method**

- Design-Bid-Build
- Design-Build
- Developer Built
- Lease Lease-Back
- Energy Performance Contract
- This project includes or will include piggyback contract(s), as defined in Section 1859.2
- Other: \_\_\_\_\_

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am an authorized representative of the district as authorized by the governing board of the district; and
- The site where buildings will be modernized or rehabilitated must comply with Education Code Sections 17212, 17212.5, and 17213; and,
- The grant amount provided by the State, combined with local matching funds or the Joint-Use Partner's financial contribution, are sufficient to complete the school construction project, unless the request is for a separate site and/or design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.4.
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail; and,
- If required by Labor Code Section 1771.7, the district has initiated and enforced an LCP that has been approved by the DIR.
- If required by Labor Code Section 1771.3(a), the district will contract with the DIR for the required Prevailing Wage Monitoring and Enforcement, or the requirement is waived pursuant to Labor Code Section 1771.3(b). The district understands that if it fails to meet this requirement, it will be required to repay all state bond funds received including interest.

SIGNATURE OF DISTRICT OR JPA REPRESENTATIVE	DATE
NAME OF DISTRICT OR JPA REPRESENTATIVE (PRINT)	TITLE
EMAIL ADDRESS	TELEPHONE NUMBER