

SAB Audit Subcommittee: Audit Working Group
August 14, 2012 Meeting Agenda

- 1) Introductions
- 2) Review progress to date and proposed timeline to report back to the Audit Subcommittee
- 3) Review updated proposed process
 - a) Consolidated Accountability Milestone 18 months from Fund Release
 - i) Certifications Incremental Compliance Review
 - ii) 50-06 Expenditure Report
 - iii) Substantial Progress Check
 - b) External Audits
 - i) Initiated at first 50-06 submittal
 - ii) SFP scope in District's Annual Education Audit
 - iii) Districts continue with this process until final 50-06
 - iv) Discuss issues
 - (1) Appeal process—through EAAP, but is there any referral back to SAB for specific issues found during routine audit
 - c) OPSC Expenditure Reviews
 - i) Ongoing for subset of projects
 - ii) Closeouts for projects with funding adjustments
 - (1) SAB approval of closeout and funding adjustments
 - (2) Final Review Closeout Triggers
 - (a) Tie to occupancy of project
 - (b) Change OPSC timeline requirement for initiating closeout review to 1 year from 2 years
- 4) State Agency Full Scope Audits
 - a) For specific projects or Districts referred by SAB or EAAP
 - i) At any point in process
 - b) Serious/major issues identified, evidence of fraud, etc.
 - c) Discuss implementation
- 5) External Audits
 - a) Are there statutory changes required?
 - b) Regulatory changes required--yes
 - c) Implementation process confirmation
 - d) Review costs, impacts on agencies
 - e) Accountability, publishing audits
- 6) Develop updated recommendations to Audit Subcommittee for SAB action
 - a) Discuss process to prepare
 - b) Original recommendations—which to retain, revise, delete, etc.

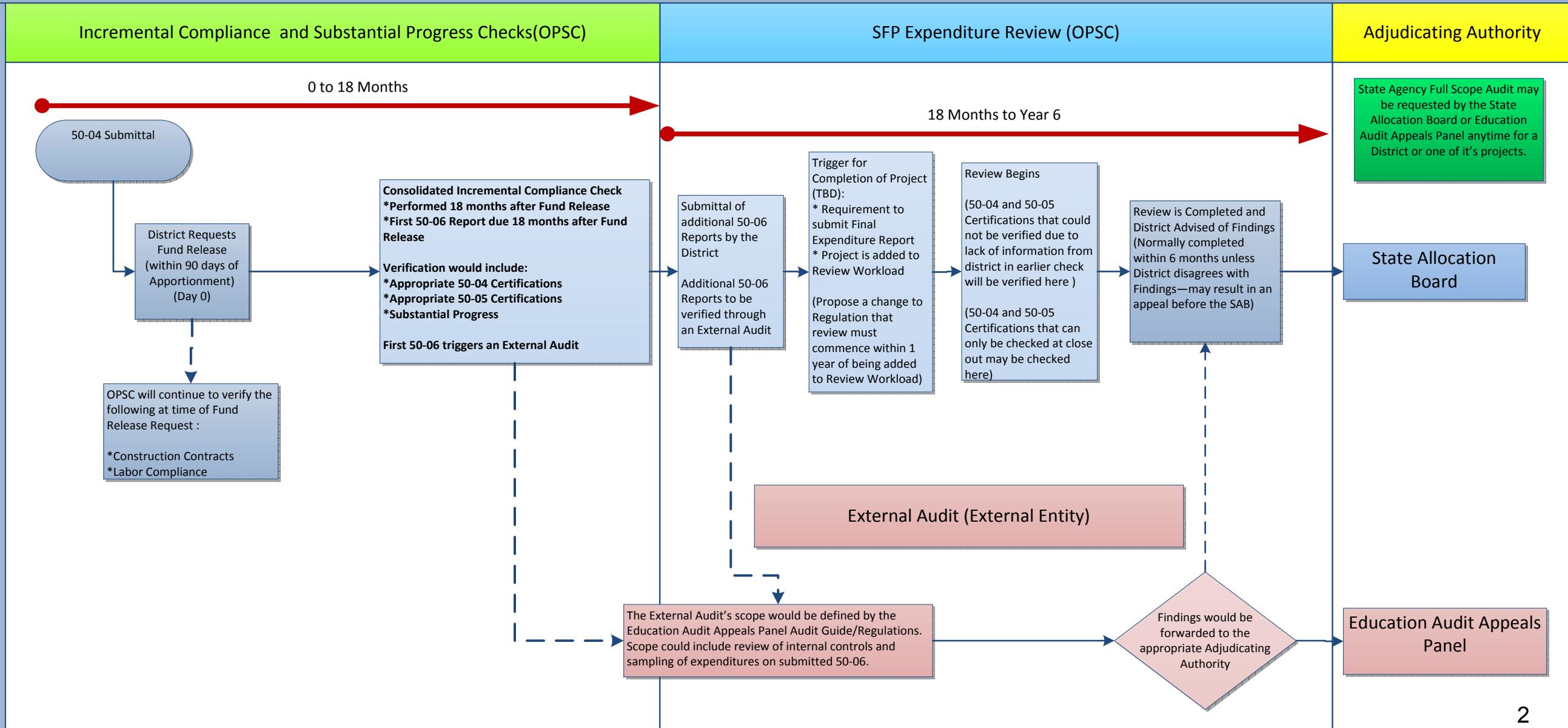
Proposed Process for SFP Review and Audits Consolidated Incremental Compliance Check

Assumptions:

Consolidated Incremental Compliance Check occurs 18 months after Fund Release.

First 50-06 Report would be due 18 months after Fund Release and subsequent 50-06 Reports would be due each year thereafter (would require regulation change).

An External Audit will be triggered by the first 50-06 Report and subsequent 50-06 Reports.



<i>Timing of Certification Checks</i>		
Time of Fund Release	Consolidated Incremental Compliance Check (50-04, 50-05 & SP)	SFP Closeout
Certifications Made on SAB 50-04		
District Rep is the authorized Rep	X	
School Board Resolution for the application	X	
District has established Restricted Maintenance Account	X	
District has made a priority of funds in Restricted Maintenance Acct		X
District has considered joint-use of land & facilities	X	
Modernization of Portables Pursuant to ECS 17073.15	X	
Facilities were not previously modernized w/ State funds	X	
Rehab of Charter facilities meets Reg 1859.163.6	X	
All contracts after 11/04/98 were competitively bid	X	X
For NC--Site and Plans have been approved by CDE	X	
For Mods and Charter Rehabs--Plans approved by CDE	X	
District has or will comply with all PCC laws for Force Account Labor		X
District has or will comply with ECS 17076.11 for DVBE 3% requirement		X
District matching funds are available or expended prior to NOC	X	X
District has rec'd DSA approval of the plans	X	
For Site Acquisition, meets requirements in Reg 1859.74 and 1859.75.1	X	
District understands lack of substantial progress (SP) penalty in Reg 1859.105	X	
For Environmental Hardship Projects, District understands lack of SP Penalty Reg 1859.105.1	X	
District understands no funds released in 18 months means automatic rescind Reg 1859.90	X	
Statements are true and correct	As this is a catch-all type of certification, the remainder of the document should be referred to as when each individual certification (or statement) is checked and when.	
Pupils defined in ECS 56026 are located to maximize interaction with others	X	
This form is verbatim what's provided to OPSC	X	
District understands that some or all funding must be returned per Reg 1859.105, 1859.105.1 and 1859.106	X	
No work in projects aside from what is allowed in Reg 1859.76 and 1859.79.2	X	
For leased land, project meets Reg 1859.22	X	
App meets all "Use of Grants" request criteria	X	
Fire system requested at funding is installed during project before completion	X	X

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Timing of Certification Checks		
Time of Fund Release	Consolidated Incremental Compliance Check (50-04, 50-05 & SP)	SFP Closeout

28	District meets CTE requirements in ECS 51224, 51225.3(b) & 52336.1	X	
29	Energy Efficiency Funding exceeds amount of funding otherwise available	X	
30	Mod apps after 01/01/04 have considered lead-containing materials		X
31	LCP & DIR requirements for 47 or 55 projects	X	
32	PWM & DIR requirements for all projects w/ contracts awarded after 01/01/12	X	
33	Beginning in 05/06 Fiscal Year, District has established Facility Inspection system per ECS 17070.75(e)		X
34	Small HS Program reform strategy approved by CDE Reg 1859.93.2	X	
35	Small HS Program - <u>New</u> HS will not exceed 500 pupils in first two years open Reg 1859.93.2 & 1859.104(e)(2)		X
36	Small HS Program - <u>Mod</u> HS will not exceed 500 pupils in first two years open Reg 1859.78.9		X
37	Small HS Program reporting requirements Reg 1859.78.9 or 1859.93.2 & 1859.104(e)(1) and or (2)		X
38	Removal of portables for ORG funded projects Reg 1859.180		X
39	District has considered feasibility of HPI features	X	
40	District has school board reso with intent to consider HPI features if requesting HPI grant funding	X	
Certifications Made on SAB 50-05			
41	Notice(s) to proceed	X	
42	LCP & DIR requirements for 47 or 55 projects -or- PWM & DIR requirements for all projects w/ contracts awarded after 01/01/12	X	
43	Preliminary Apportionment--Design only--CDE letter pursuant to Section 1859.149(a)(2)	X	
44	Preliminary CH School Apportionment--Design and/or separate site pursuant to Section 1859.164.2--CH School Agreements	X	
45	Preliminary CH School --current financial soundness status from California School Finance Authority	X	
46	Construction Contract Award dates	X	
47	Construction Delivery Method	X	
48	Matching Share Requirement	X	X
49	Financial Hardship Status	X	
50	Separate Site Apportionment--Remedial Action (RA) on additions to existing school sites Reg 1859.74.4	X	

<i>Timing of Certification Checks</i>		
Time of Fund Release	Consolidated Incremental Compliance Check (50-04, 50-05 & SP)	SFP Closeout

51	ORG --Advance Site Funds/FH and condemnation--order of prejudgement possession obtained from the court Reg 1859.184.1	X	
52	DSA Approval	X	
53	50% of Construction Included in Plans and Specs	X	
54	Written confirmation from District's Career Technical Advisory Committee that need for vocational/career technical facilities are being adequately met--compliance with ECS 17070.95	X	
55	NC--Site--District entered escrow for site	X	
56	Identification of District/Jt.-Use Partner's Funding Sources	X	
57	Career Tech--District entered into a loan agreement with the State pursuant to Reg 1859.194	X	
58	Project complies with Reg 1859.90.1--Priority Funding Round Process	X	
59	Mod/Rehab--compliance with ECS 17212,17212.5 and 17213	X	
60	Compliance with PCC governing Force Account Labor	X	X
61	QAS/RFP for Architect(s), Engineer(s), CM's (Government Code Section 4525)--Compliance with ECS 17070.50 & 17072.30	X	X
	Substantial Progress		
62	Architect contract(s), Engineer contract(s) and/or CM contracts	X	X
63	Separate Design/Site--Verification the final building plans were submitted and accepted by DSA	X	
64	Separate Site FH/EH--Final appraisal of site	X	
65	Separate Site FH/EH--Completion of all CEQA requirements	X	
66	Separate Site FH/EH--CDE final approval letter	X	
67	Separate Site FH/EH--Final Escrow or filed condemnation proceedings to request order of possession of site	X	

17. Prevailing Wage Monitoring and Enforcement Costs

If the Construction Contract(s) was or will be awarded on or after January 1, 2012, please indicate which monitoring requirements was or will be used, pursuant to Labor Code Section 1771.3:

- DIR CMU Administered
- DIR approved District LCP
- Collective bargaining agreement, pursuant to Labor Code Section 1771.3(b)(3)

18. 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: _____

19. Career Technical Education Funds Request

Will CTE Funds be requested for classroom(s) included in the plans and specifications for this project? Yes No

Number of CTE classroom(s): _____

20. Overcrowding Relief Grant Narrative

21. Architect of Record or Licensed Architect Certification

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on _____ (enter DSA approval date).
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is _____ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE	DATE
_____	_____

22. Architect of Record or Design Professional Certification

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, not including the ORG, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs and the High Performance Base Incentive Grant. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization or Charter School Facility Program Rehabilitation Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less the High Performance Base Incentive Grant. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE	DATE
_____	_____

23. Certification

I certify, as the District Representative, that the information reported on this form, with the exception of items 21 and 22, is true and correct and that:

1. I am an authorized representative of the district as authorized by the governing board of the district; and,
2. A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the school district's governing board or the designee of the Superintendent of Public Instruction on, _____; and,
3. The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
4. Pursuant to Education Code Section 17070.755, the district has made a priority of the funds in the restricted maintenance account, established pursuant to Education Code Section 17070.75, to ensure that facilities are functional and meet local hygiene standards; and,
5. The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
6. If this funding request is for the modernization of portable classrooms eligible for an additional apportionment pursuant to Education Code Section 17073.15, the district certifies that (check the applicable box below):
 - 1. The state modernization funds will be used to replace the portable classrooms and permanently remove the displaced portables from the classroom use within six months of the filing of the Notice of Completion for the project; or,
 - 2. It has provided documentation to the Office of Public School Construction which indicates that modernizing the portable classrooms eligible for an additional apportionment is better use of public resources than the replacement of these facilities.

APPLICATION FOR FUNDING SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 04/12)

7. Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
8. Facilities to be rehabilitated under the Charter School Facility Program previously funded with School Facility Program State funds meet the requirements of Section 1859.163.6; and,
9. All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
10. If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
11. If this request is for modernization or Charter School Facility Program Rehabilitation funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
12. The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
13. This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
14. The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
15. The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
16. If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
17. With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
18. If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
19. The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
20. The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,
21. All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
22. This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
23. The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
24. The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
25. If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
26. If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on _____ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
27. If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
28. The district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and the need for vocational and career technical facilities is being adequately met in accordance with Education Code Sections 51224, 51225.3(b), and 51228(b), and 52336.1; and,
29. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and,
30. If this application is submitted after January 1, 2004 for modernization funding, the district has considered the potential for the presence of lead-containing materials in the modernization project and will follow all relevant federal, state, and local standards for the management of any identified lead; and
31. The district has initiated and enforced an LCP that has been approved by the DIR, pursuant to Labor Code Section 1771.7, if the project is funded from Propositions 47 or 55 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003 and before January 1, 2012; and,
32. The district will contract or has contracted with the DIR for prevailing wage monitoring and enforcement pursuant to Labor Code Section 1771.3(a), if the construction contract is awarded on or after January 1, 2012 and the district has not obtained a waiver for the requirement, 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; and,

- 33 • Beginning with the 2005/2006 fiscal year, the district has complied with Education Code Section 17070.75(e) by establishing a facilities inspection system to ensure that each of its schools is maintained in good repair; and
- 34 • If this application is submitted pursuant to Section 1859.93.2, the district certifies that it has an academic reform strategy scored by the CDE, and is available at the district office for OPSC verification; and
- 35 • If this application is submitted pursuant to Section 1859.93.2, the district certifies the enrollment at the Small High School will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the last Small High School funded, as outlined in Section 1859.104(e)(2); and
- 36 • If this application is submitted pursuant to Section 1859.78.9, the district certifies the enrollment at the resulting Small High Schools will not exceed 500 pupils for a minimum of two complete school years after the Occupancy of the Small High Schools; and
- 37 • If this application is submitted pursuant to Section 1859.78.9 or Section 1859.93.2, the district certifies that it will meet all reporting requirements as specified in Section 1859.104(e)(1) and/or (2); and
- 38 • If this application is submitted pursuant to Section 1859.180, the district certifies that within six months of occupancy of the permanent classrooms, it will remove the replaced portables from the eligible school site and K-12 grade classroom use with the exception of schools described in Education Code Section 17079.30(c), and
- 39 • The district has considered the feasibility of using designs and materials for the new construction or modernization project that promote the efficient use of energy and water, maximum use of natural light and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning; and the other characteristics of high performance schools.; and
- 40 • If the district is requesting an additional grant for high performance incentive funding, the school district governing board must have a resolution on file that demonstrates support for the high performance incentive grant request and the intent to incorporate high performance features in future facilities projects.

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

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 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).
- 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

43 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).

44 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.

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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.

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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.

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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.

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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

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- 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 prejudgement possession once obtained from the court, and prior to any additional fund releases for the project.

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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.

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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:

- 55 The district certifies it has entered escrow for the site (attach copy of escrow instructions).
- 48 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

- 48 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.

56 **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
- 48 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.

49 **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
- 59 • 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,
- 60 • The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- 61 • This project for which the grant amount is provided complies with Education Code Sections 17070.50 and 17072.30; and,
- 58 • The district shall certify at the time of a fund release for the project that it complies with Section 1859.90.1.
- 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,
- 42 • If required by Labor Code Section 1771.7, the district has initiated and enforced a Labor Compliance Program 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