

**PROPOSER'S ACCEPTANCE OF TERMS AND CONDITIONS  
OUTLINED IN SAMPLE AGREEMENT**

**Instructions:** Mark the appropriate choice below and sign this attachment.

1. Proposer accepts The JBE Standard Terms and Conditions in Attachment 2 – “Sample Agreement” - without exception.

***OR***

2. Proposer proposes exceptions or changes to Attachment 2. Proposer must also submit (i) a red-lined version of Attachment 2 that implements all proposed changes, and (ii) a written explanation or rationale for each exception or proposed change.

BY (Authorized Signature) 
PRINTED NAME OF PERSON SIGNING
TITLE OF PERSON SIGNING

### ATTACHMENT 4 GENERAL CERTIFICATIONS FORM

Check the box below, if agreed, and sign this attachment. Please note that the JBE will reject a proposal from a Proposer that does not indicate acceptance of these clauses.

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

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

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

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

Check box to indicate acceptance of the clauses above.

BY (Authorized Signature) 
PRINTED NAME OF PERSON SIGNING
TITLE OF PERSON SIGNING

**ATTACHMENT 5  
SMALL BUSINESS DECLARATION**

Complete this form only if the Proposer will claim the small business preference associated with this solicitation. Please review the “Small Business Declaration Instructions” before completing this form. If the Proposer submits incomplete or inaccurate information, it will not receive the small business preference.

**SECTION I. COMPLETE IF THE PROPOSER IS A SMALL BUSINESS**

*If the Proposer is not a Small Business, skip this section.*

1. DGS Supplier ID number: \_\_\_\_\_
2. Small Business Certification active from \_\_\_\_\_ to \_\_\_\_\_
3. Will the Proposer subcontract any portion of the contract work to subcontractors? \_\_\_\_\_

If yes:

A. State the percentage of the contract work the Proposer will subcontract: \_\_\_\_\_

B. Describe the goods and/or services to be provided by the Proposer itself in connection with the contract: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Explain how the Proposer is performing a “commercially useful function” for purposes of this contract. (Please see the instructions for the definition of “commercially useful function.”) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The Proposer must submit a copy of its Small Business certification approval letter along with this declaration.

**SECTION II. COMPLETE IF THE PROPOSER IS A NON-PROFIT VETERAN SERVICE AGENCY (NVSA)**

*If Proposer is not an NVSA, skip this section.*

1. DGS Supplier ID number: \_\_\_\_\_
2. NVSA Certification active from \_\_\_\_\_ to \_\_\_\_\_
3. The Proposer must submit a copy of its NVSA certification approval letter along with this declaration.

**SECTION III. CERTIFICATION**

RFP Title: Microfilm Conversion to Digital  
RFP Number: 290000037

I, the official named below, certify under penalty of perjury that the information provided in this form is true and correct. I am duly authorized to legally bind the Proposer to this certification. This certification is made under the laws of the State of California.

<i>Company Name (Printed)</i>		<i>Tax ID Number</i>
<i>Address</i>		<i>Telephone Number</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed</i>	<i>Executed in the County of _____ in the State of _____</i>	

## SMALL BUSINESS DECLARATION INSTRUCTIONS

### General Instructions

In this form, (i) “DGS” refers to the Department of General Services, and (ii) “Small Business” refers to an entity certified by DGS as a small business or a microbusiness.

If the Proposer will claim the small business preference in a solicitation where a small business preference is offered, it must complete the Small Business Declaration. If no small business preference is offered, or the Proposer does not claim the small business preference, the Proposer should not complete the Small Business Declaration.

The JBE will determine whether the Proposer is eligible to receive the small business preference based on information provided in the Small Business Declaration. The JBE may, but is not obligated to, verify or seek clarification of any information set forth in the Small Business Declaration. If the Proposer submits incomplete or inaccurate information, it will not receive the small business preference.

### Instructions for Section I

*Skip this section if the Proposer is not itself a Small Business.*

1. Provide the Proposer’s DGS Supplier ID number. This number is in the Proposer’s DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
2. Provide the applicable dates. These dates are listed in the Proposer’s DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
3. If the Proposer will subcontract any portion of the contract work, answer “yes” and complete subparts A-C. If the Proposer will not subcontract any portion of the contract work, answer “no” and skip subparts A-C.  
**Subpart A:** This percentage is equal to the amount to be paid by the Proposer to all subcontractors divided by the Proposer’s total proposal price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by the Proposer to subcontractors is \$35,000 and the Proposer’s total proposal price is \$125,000, enter “28%” ( $35000 \div 125000 = 0.28$ ;  $0.28 \times 100 = 28$ ).  
**Subpart B:** Provide a detailed description of the goods and/or services the Proposer itself will provide for the contract. In other words, provide a detailed description of the goods and/or services that will not be subcontracted. Attach additional sheets if necessary.  
**Subpart C:** Provide an explanation of how the Proposer’s goods and/or services constitute a “commercially useful function” for purposes of the contract. Pursuant to Government Code section 14837, a business is deemed to perform a “commercially useful function” if the business does all of the following: (i) is responsible for the execution of a distinct element of the work of the contract; (ii) carries out its obligation by actually performing, managing, or supervising the work involved; (iii) performs work that is normal for its business services and functions; (iv) is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and (v) is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. Note: a business will not be considered to perform a “commercially useful function” if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of Small Business participation. Attach additional sheets if necessary.
4. Each entity certified as a Small Business by DGS will have received a Small Business certification approval letter from DGS. The Proposer must submit a copy of its Small Business certification approval letter.

### Instructions for Section II

*Skip this section if the Proposer is not an NVSA.*

1. Provide the Proposer’s DGS Supplier ID number. This number is in the Proposer’s DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).

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RFP Number: 290000037

2. Provide the applicable dates. These dates are listed in the Proposer's DGS Supplier Profile, accessible at [www.bidsync.com/DPXBisCASB](http://www.bidsync.com/DPXBisCASB).
3. Each entity certified as an NVSA by DGS will have received a certification approval letter. The Proposer must submit a copy of its certification approval letter.

### **Instructions for Section III**

Provide the Proposer's full legal name, tax ID number, address, and telephone number in the appropriate boxes. The certification must be signed by an authorized Proposer representative in the box labeled "*By (Authorized Signature)*." Provide the name and title of the authorized Proposer representative, and the date, county, and state where that person signed the certification, in the appropriate boxes.