



CONTRACT

This contract is funded through a grant provided by Visit California through an award under Federal Grant Award 07-79-07802 by the Economic Development Administration under §703 and 209 of the Public Works and Economic Development Act of 1965, as amended, 42 U.S.C. §§ 3149 and 3233. As a result, all vendors awarded contracts must be willing to abide by all required provisions of federal laws and regulations, including without limitation 2 CFR §§200.326 and 200.327.

In accordance with 2 CFR 170.200 Federal awarding agency reporting requirements, Federal awarding agencies are required to publicly report Federal awards that equal or exceed the micro-purchase threshold (\$10,000) and publish the required information on a public-facing, OMB-designated, governmentwide website and follow OMB guidance to support Transparency Act implementation.

TERMINATION (*all contracts in excess of \$10,000*)

Prior to the completion of the Contract, either party may terminate the Contract by providing the other party with thirty (30) days' written notice of such termination. Visit Anaheim may also terminate this Contract for any reason at any time if it learns of or otherwise discovers that there is a violation of any state or federal law or policy by the Contractor which affects performance of this Contract.

If Visit Anaheim terminates without cause the Contract prior to the end of the Contract, the Contractor shall take reasonable measures to prevent further costs to Visit Anaheim under this Contract. Visit Anaheim is responsible for any reasonable and non-cancellable obligations incurred by the Contractor under this Contract prior to the date of the notice to terminate, but only up to the undisbursed balance of funding authorized by this Contract.

If the Contractor fails to complete the Contract in accordance with this Contract or fails to fulfill any other obligations of this Contract prior to the termination date, the Contractor shall be liable for immediate repayment to Visit Anaheim of all amounts disbursed by Visit Anaheim under this Contract, plus accrued interest and any further costs related to the Contract. Visit Anaheim may, at its sole discretion, consider extenuating circumstances and not require repayment for work partially completed provided that Visit Anaheim determines it is in Visit Anaheim's best interest to do so. This paragraph shall not be deemed to limit any other remedies available to Visit Anaheim for breach of this Agreement.

WORKERS' COMPENSATION POLICY

Please provide evidence of a worker's compensation policy held by your company which is sufficient to meet the State's legal requirements for such insurance, and which provides coverage for all California employees. You may submit this information using form at the end of the document: **ATTACHMENT A – CONTRACTOR'S CERTIFICATE REGARDING WORKERS' COMPENSATION.**

SUBJECT TO FUNDING

This Contract is dependent on federal grant funds, Visit Anaheim reserves the right to reduce the level of services to match reduced levels of funding, or at Visit Anaheim's option, Visit Anaheim may terminate this Contract [by providing Contractor with 30 days' written notice of such termination], should the funding source no longer be available, or the amount be reduced.

DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 and 12689)

A contract award (see [2 CFR 180.220](#)) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at [2 CFR 180](#) that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

BYRD ANTI-LOBBYING AMENDMENT (31 U.S.C. 1352)

Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal entity. Please use **ATTACHMENT B - CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS**

ATTACHMENT A

**CONTRACTOR'S CERTIFICATE
REGARDING WORKERS' COMPENSATION**

Description of Contract:

Labor Code Section 3700 Provides (in part):

“Every employer except the state shall secure the payment of compensation in one or more of the following ways:

- (a) By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this State.
- (b) By securing from the Director of Industrial Relations a certificate of consent to self-insure either as an individual employer, or as one employer in a group of employers, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his employees.”

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

Date: _____, 20____

(Contractor)

By _____

(Official Title)

(SEAL)

(Labor Code Section 1861 provides that the above certificate must be signed and filed by the Contractor with the Owner prior to performing any work under this contract.)

ATTACHMENT B

FORM CD-512 (REV 12-04)

U.S. DEPARTMENT OF COMMERCE

CERTIFICATION REGARDING LOBBYING LOWER TIER COVERED TRANSACTIONS

Applicants should review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 15 CFR Part 28, "New Restrictions on Lobbying."

LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 15 CFR Part 28, for persons entering into a grant, cooperative agreement, or contract over \$100,000 or a loan or loan guarantee over \$150,000 as defined at 15 CFR Part 28, Sections 28.105 and 28.110, the applicant certifies that to the best of his or her knowledge and belief, that:

(1) 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 awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative

agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

In any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required state- ment shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996.

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

NAME OF APPLICANT AWARD NUMBER AND/OR PROJECT NAME

PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE DATE