

Ordinance 2025/26-32

Section 4-6.3. Certification when direct contact with children; when contract award not allowed; limited exception; Unauthorized Aliens; forced labor not allowed; standard contract provisions prohibiting discrimination; definition of information goods and services; choice of law. —

A. As a condition of awarding a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities, Suffolk Board requires the contractor to provide certification that any individual who will provide such services have not been convicted of a any violent felony or crime of moral turpitude set forth in the definition of a barrier crime in subsection A of Virginia Code Section 19.2-392.02; any offense involving the sexual molestation or physical or sexual abuse or rape of a child, or the solicitation of any such offense, or any crime of moral turpitude.

B. The School Board will not award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any violent felony or crime of moral turpitude set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense.

C. The School Board may award a contract for the provision of services to an individual who was convicted of a violent felony or crime of moral turpitude if the following conditions are met in accordance with subsection ~~F~~ H(2) of Va. Code § 22.1-296.1, specifically that:

- (1) such felony conviction does not involve the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense;
- (2) such individual:
 - (a) has had their civil rights restored by the Governor,
 - (b) has completed all terms of supervision and has been released from supervision for more than 20 years,
 - (c) is, in the opinion of the School Board, of upstanding character, and
 - (d) has demonstrated commitment to public or community service and rehabilitation after completing all terms of supervision; and
- (3) the School Board certifies in writing that such an individual meets the requirements set forth above.

~~C. D.~~ The School Board may award a contract for the provision of services that require the contractor or employees of the contractor to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, or the solicitation of any such offense, provided that in the case of a felony conviction, the Governor has restored the individual's civil rights.

~~D. E.~~ This requirement does not apply to a contractor or employees of the contractor providing services to Suffolk Public Schools in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an

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urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or employees of the contractor will have no direct contact with students.

~~E. F.~~ The School Board provides in every written contract that the contractor does not, and shall not during the performance of the contract for goods and services in Virginia, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

~~G.~~ The School Board includes in every contract for goods and services that exceeds \$10,000, provisions that:

1. The use of forced or indentured child labor, as defined in Va. Code § 2.2-4311.4(1), in the performance of the contract is prohibited; and
2. The contractor will include a prohibition on the use of forced or indentured child labor in the performance of the contract in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purpose of this policy, "forced or indentured child labor" means all work or service (i) exacted from any person younger than 18 years of age under the menace of any penalty for the nonperformance of such work or service and for which such person does not offer himself voluntarily or (ii) performed by any person younger than 18 years of age pursuant to a contract the enforcement of which can be accomplished by process or penalties.

~~F. H.~~ The School Board includes the following provisions in every contract of more than \$10,000:

(1) During the performance of this contract, the contractor agrees as follows:

- (a) The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- (b) The contractor, in all solicitations or advertisements for employees placed by or on behalf of the contractor, will state that such contractor is an equal opportunity employer.
- (c) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

(2) The contractor will also include the provisions of the foregoing paragraphs a, b and c in every subcontract or purchase order ~~of~~ over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

I. As used in this policy, "information technology goods and services" means communications, telecommunications, automated data processing, applications,

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databases, data networks, management information systems, and other related goods and services.

The terms or provisions in any contract with the school board for the acquisition of information technology goods or services should not conflict with Virginia law. If such contract has terms and provisions that conflict with Virginia law, those terms and provisions shall not be valid or enforceable to the extent of such conflict; however, the contract otherwise remains enforceable.

J. Any term or provision in a contract for the acquisition of information technology goods or services shall be void and deemed to provide for the application of the law of the Commonwealth of Virginia, without regard to such contract's choice of law provisions, and to provide for jurisdiction in the courts of the Commonwealth, if such contract term or provision:

- (a) makes the public contract subject to, governed by, or interpreted under the laws of another state or country; or
- (b) requires or permits any litigation or other dispute resolution proceeding arising from the public contract to be conducted in another state or country.

(Adopted March 12, 2009; Ordinance Number 08/09-31; Effective Date: July 1, 2009; Revised September 8, 2011; Ordinance Number 11/12-11; Effective Date: September 9, 2011; Revised May 12, 2016; Ordinance Number 15/16-33; Effective Date: July 1, 2016; Revised April 15, 2021; Ordinance Number 20/21-20; Ordinance 23/24-30, Revised/Effective: December 14, 2023)

Legal Authority — Virginia Code §§22.1-296.1, 2.2-4311, and 2.2-4311.1, 2.2-4311.3, 2.2-4311.4 (1950), as amended.