

BOARD MEETING DATE: January 6, 2012

AGENDA NO. 4

**PROPOSAL:** Allocate Funds and Issue Program Announcement for Replacement of CNG School Bus Tanks, and Award Funds to Replace Fuel Tanks on School Buses

**SYNOPSIS:** The recently adopted state legislations AB 462 and AB 470 have expanded the potential use of Carl Moyer AB 923 funds. Starting January 2012, in addition to school bus replacements, AB 923 funds may be used for school bus retrofits and for replacing older than 14 years on-board fuel tanks of CNG school buses. Since on-board fuel tanks of CNG school buses with less than 14 years of age may need replacements, this action is to set up an account of up to \$600,000 with AQMD non-state/federal funds in the Lower-Emission School Bus Fund (33) and issue a program announcement for replacement of CNG school bus tanks in case of damage prior to 14 years of use. In addition, this action is to provide up to \$140,000 to Torrance Unified School District to replace damaged CNG tanks in seven school buses.

**COMMITTEE:** Administrative, December 9, 2011, Recommended for Approval

**RECOMMENDED ACTIONS:**

- A. Allocate up to \$600,000 from AQMD non-state/federal funds in the Lower-Emission School Bus Fund (33), and issue Program Announcement PA #2012-05 to assist public school districts to replace on-board CNG school bus fuel tanks not eligible for funding under the state's program.
- B. Authorize the Chairman to execute a contract with the Torrance Unified School District to replace damaged onboard CNG fuel tanks on seven school buses in an amount not to exceed \$140,000 from the Lower-Emission School Bus Fund (33).

Barry R. Wallerstein, D.Env.  
Executive Officer

## **Background**

Since 2001, AQMD has successfully implemented its Lower Emission School Bus Program (LESBP) by retrofitting newer diesel school buses with PM traps and replacing over 1,000 older and highly polluting diesel school buses with new CNG buses. Prior to AQMD's school bus program, there was also some limited funding available to school districts to purchase CNG buses.

As required by the CHP, onboard CNG fuel tanks in school buses need to be replaced every 15 years. As such the recently adopted state legislations AB 462 and AB 470, will allow funding for both retrofit of school buses and replacement of onboard CNG fuel tanks on school buses that are older than 14 years with the use of AB 923 funds that are generated from the \$2 DMV fees. CARB is expected to adopt the guidelines for the newly expanded components of the program in early 2012, after which the AQMD will start their implementation.

However, in a handful of cases some school districts have experienced damage to the onboard fuel tanks before the expiration of the certifications. In these cases the fuel tanks won't qualify for the soon to be available AB923 funds. Thus it is desirable to provide limited funding for damaged CNG school bus fueling tanks to avoid grounding by the CHP.

## **Proposal**

In 2004 under the Chairman's Initiative, the Board approved the addition of \$7.2 million AQMD non-state/federal funds to the Lower-Emission School Bus Fund (33) for school bus replacements. That resulted in the replacement of 70 pre-1987 school buses with new CNG buses with funds that included among others \$7,126,931 from the Chairman's Initiative. Hence, staff proposes the Board's approval to allocate up to \$600,000 from the AQMD's unspent contributions to the Lower-Emission School Bus Program Fund (33) for the replacement of onboard CNG fuel tanks on school buses not qualifying for AB 923 funds, and the issuance of the Program Announcement PA #2012-05 to accept applications on a first-come-first-served basis.

Torrance Unified School District recently informed the AQMD that due to a faulty valve in their CNG refueling station several of the onboard CNG fuel tanks in their school buses were over-pressurized beyond the safety threshold, causing irreversible damage. Therefore, Torrance Unified School District has had to ground its CNG school buses until the damaged tanks are replaced. Thus, staff recommends the Board's approval for the replacement of onboard CNG fuel tanks on seven school buses owned by Torrance Unified School District in an amount not to exceed \$140,000, with a maximum cap of \$20,000 per bus from the Lower-Emission School Bus Program Fund (33).

**Outreach**

In accordance with AQMD's Procurement Policy and Procedure, a public notice advertising the RFP/RFQ and inviting bids will be published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, and Riverside County Press Enterprise newspapers to leverage the most cost-effective method of outreach to the South Coast Basin.

Additionally, potential bidders may be notified utilizing AQMD's own electronic listing of certified minority vendors. Notice of the RFP/RFQ will be e-mailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations, and placed on the Internet at AQMD's website (<http://www.aqmd.gov>) where it can be viewed by making menu selections "Inside AQMD"/"Employment and Business Opportunities"/"Business Opportunities" or by going directly to <http://www.aqmd.gov/rfp/index.html>). Information is also available on AQMD's bidder's 24-hour telephone message line (909) 396-2724.

**Benefits to AQMD**

The successful implementation of the Lower-Emission School Bus CNG Tank Program will extend the life of less-polluting and safer school transportation for school children, and will reduce public exposure to toxic diesel particulate matter emissions. In addition, these awards comply with AB 1390 requirements, such that it would reduce air pollution in low-income, high-diesel and high-PM exposure areas as well as enhance the objectives of the Environmental Justice and Children's Health Initiatives adopted by the AQMD Board.

**Resource Impacts**

Total funding of up to \$600,000 will be set aside in the Lower-Emission School Bus Fund (33) from the unused portion of the AQMD's own contributions to that fund. A total of \$140,000 will be used from these funds for the replacement of onboard CNG fuel tanks on seven school buses.

**Attachment**

Program Announcement & Application PA #2012-05

*Announcing the*

*South Coast Air Quality Management District's*

*Funding for the Emergency Replacement of  
On-Board CNG Fuel Tanks on CNG School Buses*

*Program Announcement & Application*

*PA # 2012-05*

*January 6, 2012*

**Depending upon the number of applications received and availability of funding, the SCAQMD Governing Board retains discretion to make full awards, partial awards, or no awards at all under this Program Announcement. If the choice to make a partial award causes any bidder to withdraw, the funds that would have been awarded to that bidder will be re-allocated to the other bidders or allocated pursuant to a new program announcement.**

**DATE:** January 6, 2012

**TO:** South Coast Air Basin's Public School Districts

**SUBJECT:** SCAQMD Program Announcement PA# 2012-05 to Provide Funding for Emergency Replacement of On-Board CNG Fuel Tanks on CNG School Buses

The South Coast Air Quality Management District (SCAQMD) is pleased to announce a new funding opportunity for the emergency replacement of on-board CNG fuel tanks on CNG school buses. Funds in the amount of \$600,000 are available and eligible applications will be funded on first-come, first-served basis until funds are exhausted. There is a maximum of \$20,000 available per CNG bus to replace on-board CNG fuel tanks.

Under this Program Announcement, applicants can apply to seek reimbursement of expenses involved in replacing CNG tanks in an emergency, such as damage incurred due to circumstances beyond the control of the operator. Only public school districts and joint powers authority are eligible for this funding.

This program funding will supplement an anticipated future program to replace aging CNG tanks when the tanks reach their end-of-life span. This future program will be initiated once the California Air Resources Board (CARB) adopts guidelines in early 2012.

Should you have any questions regarding this Program Announcement, please contact:

- Ranji S. George, Program Supervisor, at (909)396-3255,  
Email: rgeorge@aqmd.gov.

The Program Announcement and Application document can also be accessed via the Internet by visiting AQMD's website at [www.aqmd.gov/rfp](http://www.aqmd.gov/rfp).  
Program Announcement # is: PA #2012-05

We look forward to receiving your application. An application form is enclosed.

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## **Program Introduction**

By state legislation (AB 923), individual air districts can collect \$2 in individual DMV fees for air quality projects. SCAQMD has been using these funds to assist school districts to replace old, polluting school buses. Recently, the state passed additional legislation (AB 462 and AB 470) expanding the use of AB 923 funds to replace CNG tanks on-board public school buses.

### **Current Program**

Some school districts have experienced premature failures of their on-board CNG tanks. To address this problem, the SCAQMD has allocated \$600,000 in funds to allow public school districts experiencing such premature failures to apply, on an emergency basis, for an amount not to exceed \$20,000 per bus for replacement of their on-board CNG tanks. Only public school districts and joint power authorities can apply. The funds will be limited to emergency replacement of CNG tanks and/or to tanks that would not typically qualify under the future program discussed above.

### **Future Program**

In addition to school bus replacements, the state has authorized the use of AB 923 funds to retrofit school buses with PM traps, replace aging CNG school bus tanks, and replace worn CNG fueling dispensers. CARB is developing guidelines to implement this program, which would limit the eligibility to public school districts, and applicability to CNG school buses between 14 to 20 years old. These funds will be limited to replacing tanks that require mandatory replacement because they have reached their end-of-life span (i.e., 15 years). Once CARB adopts these guidelines, most likely by early 2012, SCAQMD will issue a supplemental notice announcing the availability of additional AB 923 funds to replace on-board CNG tanks reaching their end-of-life span.

### **1.A. Program Schedule and Project Selection**

This Program Announcement will remain open, without a closing date, until funds are exhausted. Applications will be accepted on an ongoing basis. Awards will be made on a first-come, first-served basis until all funding is exhausted. Applicants are encouraged to submit multiple quotes for replacing damaged CNG fuel tanks with new CNG tanks. A maximum of \$20,000 per bus can be requested. A CHP certificate is needed to verify the old CNG tanks have failed, and that the new tanks meet with CHP approval.

Only public school districts and joint power authorities are eligible to apply and are applicable to CNG buses not eligible under the emerging AB 923 funds to replace aging CNG tanks at end-of-life span.

**1.B. Application Submittal**

The applicant shall provide four (4) copies of the application in a sealed envelope, plainly marked in the upper left-hand corner with the name and address of the applicant and the words “Program Application PA #2012-05”, and submit it to:

Mr. Dean Hughbanks, Purchasing Manager, PA # 2012-05  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765

All applications must be signed by the school’s superintendent. Applications without authorizing signatures will not be accepted. SCAQMD needs a minimum of two, preferably three, quotes to accompany the application, and a CHP certificate verifying that the tanks need replacement before the CNG bus can be recertified.

**1.C Disbursement of Funds**

Funds will be paid on a reimbursement basis only following completion of installation of the new CNG on-board fuel tanks. These tanks need to comply with all existing codes and regulations. Along with an invoice that details the equipment and labor costs of installing the tanks, a cover letter signed by the Director of Transportation or an equivalent position must accompany any request for reimbursement of approved funds. The cover letter must state that these new CNG tanks were installed and that the CNG tanks comply with all relevant codes and regulations. A CHP certificate recertifying the CNG bus must accompany the invoice. All requests for reimbursement must be received within six (6) months of executing the grant. Monies owed will be paid directly to the vendor/installer.

**1.D. Monitoring and Reporting**

School districts must notify SCAQMD’s Technology Advancement Office in writing when the CNG tanks were ordered, installed and re-inspected by the CHP officer.

**1E. If You Need Help**

This Program Announcement and Application can be obtained by accessing the SCAQMD website at [www.aqmd.gov/rfp](http://www.aqmd.gov/rfp). Download PA # 2012-05. SCAQMD staff members are available to answer questions during the application acceptance period. In order to help expedite assistance, please direct your inquiries to the applicable staff person, as follows:

- For **General, Administrative, or Technical Assistance**, please contact:

**Ranji S. George**  
Program Supervisor  
Phone: 909 396 3255  
Fax: 909-396-3252  
[rgeorge@aqmd.gov](mailto:rgeorge@aqmd.gov)

- For **Questions on Invoices or Contracts**, please contact:

**Drue Hargis**  
TAO, Contracts  
Phone: 909 396-3237  
Fax: 909 396 -3774  
[dhargis@aqmd.gov](mailto:dhargis@aqmd.gov)

*Section II: Application Preparation Forms*

**APPENDIX A:**

**APPLICATION FOR EMERGENCY REPLACEMENT OF FAILED CNG  
ON-BOARD FUEL TANKS ON CNG SCHOOL BUSES**

**GRANT APPLICATION FOR THE EMERGENCY REPLACEMENT OF THE ON-BOARD CNG FUEL TANKS ON CNG SCHOOL BUSES**

School District: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ County \_\_\_\_\_ State: CA. Zip Code: \_\_\_\_\_

Air District Jurisdiction: \_\_\_\_\_

School District Contact Person:

Name/Title: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax: No.: \_\_\_\_\_ Email: \_\_\_\_\_

Number of CNG Buses with failed CNG Tanks \_\_\_\_\_ (include details of each bus in attached table).

Total Funding Amount Requested (maximum \$20,000 per bus) \_\_\_\_\_

Explain clearly the reason for the premature failure of these CNG tanks, and how the school plans to avoid these incidents in future (add additional pages if needed)

\_\_\_\_\_

Name of CNG tanks being considered: \_\_\_\_\_

Name of Proposed Vendor: \_\_\_\_\_

(Please attach a CHP inspection certificate verifying that the CNG tanks need replacement and at least two, preferably three, price quotes for completing the installation.)

Please confirm the labor and equipment warranty period of the new CNG tanks: (a) *Labor warranty* \_\_\_\_\_ (b) *Equipment* \_\_\_\_\_

Please confirm the expiration date of the new tanks \_\_\_\_\_

Please testify by signing below that "Under penalty of perjury, the statements in this application are true to the best of my knowledge". After installation of tanks, the buses must operate another five (5) years within the SCAQMD's jurisdiction.

Superintendent's Signature: \_\_\_\_\_ Date \_\_\_\_\_

Superintendent's Name (print): \_\_\_\_\_

**INFORMATION ON CNG BUSES  
WHOSE ON-BOARD CNG TANKS NEED REPLACEMENT**

<b>BUS ID#</b>	<b>MODEL, YEAR OF BUS*</b>	<b>VIN#</b>	<b>Accumulated Mileage</b>	<b>Approx. # Miles Per Year</b>	<b>Quote to Replace Tanks**</b>

- **\*Please attach the CHP292 certificates starting in year 2010.**
- **Also please attach a CHP certificate confirming that the old tanks need replacement.**
- **\*\* A CHP certificate approving the new tank installation on each bus needs to be provided with any request for reimbursement.**
- **\*\* Please attach at least two, preferably three, price quotes to complete the tank installation (including sales tax).**
- **A maximum of \$20,000 per bus will be provided for reimbursement.**
- **Operator must promise the bus will run a minimum of 5 years within the SCAQMD’s jurisdiction after installation.**

**School Bus Fleet Information**

- *Total # of school buses in Fleet (over 14,000 GVW)\_\_\_\_\_*
- *Total # of CNG school buses currently in the Fleet: \_\_\_\_\_*
- *# of 1987 to 1994 diesel buses in the Fleet\_\_\_\_\_*
- *# of 1995 and newer diesel buses in the Fleet\_\_\_\_\_*
- *Refueling Onsite?\_\_\_\_\_*
- *Additional Comments, if any\_\_\_\_\_*



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

## **Business Information Request**

Dear SCAQMD Contractor/Supplier:

The South Coast Air Quality Management District (SCAQMD) is committed to ensuring that our contractor/supplier records are current and accurate. If your firm is selected for award of a purchase order or contract, it is imperative that the information requested herein be supplied in a timely manner to facilitate payment of invoices. In order to process your payments, we need the enclosed information regarding your account. **Please review and complete the information identified on the following pages, complete the enclosed W-9 form, remember to sign both documents for our files, and return them as soon as possible to the address below:**

**Attention: Accounts Payable, Accounting Department  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765-4178**

If you do not return this information, we will not be able to establish you as a vendor. This will delay any payments and would still necessitate your submittal of the enclosed information to our Accounting department before payment could be initiated. Completion of this document and enclosed forms would ensure that your payments are processed timely and accurately.

**If you have any questions or need assistance in completing this information, please contact Accounting at (909) 396-3777. We appreciate your cooperation in completing this necessary information.**

Sincerely,

Michael B. O'Kelly  
Chief Financial Officer

DH:tm

Enclosures: Business Information Request  
Disadvantaged Business Certification  
W-9  
Federal Contract Debarment Certification  
Campaign Contribution Disclosure

REV 2/11



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

## BUSINESS INFORMATION REQUEST

Business Name	
Division of	
Subsidiary of	
Website Address	
Type of Business <i>Check One:</i>	<input type="checkbox"/> Individual <input type="checkbox"/> DBA, Name _____, County Filed in _____ <input type="checkbox"/> Corporation, ID No. _____ <input type="checkbox"/> LLC/LLP, ID No. _____ <input type="checkbox"/> Other _____

## REMITTING ADDRESS INFORMATION

Address			
City/Town			
State/Province		Zip	
Phone	(    )    -    Ext	Fax	(    )    -
Contact		Title	
E-mail Address			
Payment Name if Different			



# Definitions

**Disabled Veteran-Owned Business Enterprise** means a business that meets all of the following criteria:

- is a sole proprietorship or partnership of which is at least 51 percent owned by one or more disabled veterans, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more disabled veterans; a subsidiary which is wholly owned by a parent corporation but only if at least 51 percent of the voting stock of the parent corporation is owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture's management and control and earnings are held by one or more disabled veterans.
- the management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.
- is a sole proprietorship, corporation, partnership, or joint venture with its primary headquarters office located in the United States and which is not a branch or subsidiary of a foreign corporation, firm, or other foreign-based business.

**Joint Venture** means that one party to the joint venture is a DVBE and owns at least 51 percent of the joint venture. In the case of a joint venture formed for a single project this means that DVBE will receive at least 51 percent of the project dollars.

**Local Business** means a business that meets all of the following criteria:

- has an ongoing business within the boundary of the SCAQMD at the time of bid application.
- performs 90 percent of the work within SCAQMD's jurisdiction.

**Minority-Owned Business Enterprise** means a business that meets all of the following criteria:

- is at least 51 percent owned by one or more minority persons or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons.
- is a business whose management and daily business operations are controlled or owned by one or more minority person.
- is a business which is a sole proprietorship, corporation, partnership, joint venture, an association, or a cooperative with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign business.

"Minority" person means a Black American, Hispanic American, Native American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian American (including a person whose origins are from India, Pakistan, or Bangladesh), Asian-Pacific American (including a person whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, or Taiwan).

**Small Business Enterprise** means a business that meets the following criteria:

- a. 1) an independently owned and operated business; 2) not dominant in its field of operation; 3) together with affiliates is either:
  - A service, construction, or non-manufacturer with 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
  - A manufacturer with 100 or fewer employees.
- b. Manufacturer means a business that is both of the following:
  - 1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.
  - 2) Classified between Codes 311000 to 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.

**Small Business Joint Venture** means that one party to the joint venture is a Small Business and owns at least 51 percent of the joint venture. In the case of a joint venture formed for a single project this means that the Small Business will receive at least 51 percent of the project dollars.

**Women-Owned Business Enterprise** means a business that meets all of the following criteria:

- is at least 51 percent owned by one or more women or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more women.
- is a business whose management and daily business operations are controlled or owned by one or more women.
- is a business which is a sole proprietorship, corporation, partnership, or a joint venture, with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign business.

## Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶ .....	
<input type="checkbox"/> Exempt from backup withholding	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number								
or								
Employer identification number								

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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### Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

**U.S. person.** Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding,
- or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

4. The type and amount of income that qualifies for the exemption from tax.

5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. You do not certify your TIN when required (see the Part II instructions on page 4 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Name

If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

**Limited liability company (LLC).** If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

**Other entities.** Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

**Note.** You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

### Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

**Exempt payees.** Backup withholding is not required on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
  2. The United States or any of its agencies or instrumentalities,
  3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
  4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
  5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,

- 7. A foreign central bank of issue,
- 8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
- 9. A futures commission merchant registered with the Commodity Futures Trading Commission,
- 10. A real estate investment trust,
- 11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
- 12. A common trust fund operated by a bank under section 584(a),
- 13. A financial institution,
- 14. A middleman known in the investment community as a nominee or custodian, or
- 15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt recipients 1 through 7 <sup>2</sup>

<sup>1</sup>See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup>However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a Federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at [www.socialsecurity.gov/online/ss-5.pdf](http://www.socialsecurity.gov/online/ss-5.pdf). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses/](http://www.irs.gov/businesses/) and clicking on Employer ID Numbers under Related Topics. You can get Forms W-7 and SS-4 from the IRS by visiting [www.irs.gov](http://www.irs.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

**Signature requirements.** Complete the certification as indicated in 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

## What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
5. Sole proprietorship or single-owner LLC	The owner <sup>3</sup>
For this type of account:	Give name and EIN of:
6. Sole proprietorship or single-owner LLC	The owner <sup>3</sup>
7. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

<sup>1</sup>List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup>Circle the minor's name and furnish the minor's SSN.

<sup>3</sup>You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one). If you are a sole proprietor, IRS encourages you to use your SSN.

<sup>4</sup>List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.



United State Environmental Protection Agency  
Washington, DC 20460

## **Certification Regarding Debarment, Suspension, and Other Responsibility Matters**

The prospective participant certifies to the best of its knowledge and belief that it and the principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them or commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction: violation of Federal or State antitrust statute or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

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Typed Name & Title of Authorized Representative

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Signature of Authorized Representative Date

I am unable to certify to the above statements. My explanation is attached.

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EPA Form 5700-49 (11-88)



## CAMPAIGN CONTRIBUTIONS DISCLOSURE

California law prohibits a party, or an agent, from making campaign contributions to AQMD Governing Board Members or members/alternates of the Mobile Source Pollution Reduction Committee (MSRC) of \$250 or more while their contract or permit is pending before the AQMD; and further prohibits a campaign contribution from being made for three (3) months following the date of the final decision by the Governing Board or the MSRC on a donor's contract or permit. Gov't Code §84308(d). For purposes of reaching the \$250 limit, the campaign contributions of the bidder or contractor plus contributions by its parents, affiliates, and related companies of the contractor or bidder are added together. 2 C.C.R. §18438.5.

In addition, Board Members or members/alternates of the MSRC must abstain from voting on a contract or permit if they have received a campaign contribution from a party or participant to the proceeding, or agent, totaling \$250 or more in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC. Gov't Code §84308(c). When abstaining, the Board Member or members/alternates of the MSRC must announce the source of the campaign contribution on the record. *Id.* The requirement to abstain is triggered by campaign contributions of \$250 or more in total contributions of the bidder or contractor, *plus* any of its parent, subsidiary, or affiliated companies. 2 C.C.R. §18438.5.

In accordance with California law, bidders and contracting parties are required to disclose, at the time the application is filed, information relating to any campaign contributions made to Board Members or members/alternates of the MSRC, including: the name of the party making the contribution (which includes any parent, subsidiary or otherwise related business entity, as defined below), the amount of the contribution, and the date the contribution was made. 2 C.C.R. §18438.8(b).

The list of current AQMD Governing Board Members can be found at the AQMD website ([www.aqmd.gov](http://www.aqmd.gov)). The list of current MSRC members/alternates can be found at the MSRC website (<http://www.cleantransportationfunding.org>).

### **SECTION I. Please complete Section I.**

**Contractor:**

**RFP #: PA # 2012-05**

\_\_\_\_\_

**List any parent, subsidiaries, or otherwise affiliated business entities of Contractor: (*See definition below*).**

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

### **SECTION II**

Has contractor and/or parent, subsidiary, or affiliated company, or agent thereof, made a campaign contribution(s) totaling \$250 or more in the aggregate to a current member of the South Coast Air Quality Management Governing Board or members/alternates of the MSRC in the 12 months preceding the date of execution of this disclosure?

Yes     No    **If YES, complete Section II below and then sign and date the form. If NO, sign and date below. Include this form with your submittal.**

**Campaign Contributions Disclosure, *continued*:**

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/Alternate	Amount of Contribution	Date of Contribution

Name of Contributor \_\_\_\_\_

_____	_____	_____
Governing Board Member or MSRC Member/alternate	Amount of Contribution	Date of Contribution

**I declare the foregoing disclosures to be true and correct.**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## DEFINITIONS

### Parent, Subsidiary, or Otherwise Related Business Entity.

- (1) *Parent subsidiary. A parent subsidiary relationship exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.*
- (2) *Otherwise related business entity. Business entities, including corporations, partnerships, joint ventures and any other organizations and enterprises operated for profit, which do not have a parent subsidiary relationship are otherwise related if any one of the following three tests is met:*
  - (A) *One business entity has a controlling ownership interest in the other business entity.*
  - (B) *There is shared management and control between the entities. In determining whether there is shared management and control, consideration should be given to the following factors:*
    - (i) *The same person or substantially the same person owns and manages the two entities;*
    - (ii) *There are common or commingled funds or assets;*
    - (iii) *The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;*
    - (iv) *There is otherwise a regular and close working relationship between the entities; or*
  - (C) *A controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.*

2 Cal. Code of Regs., §18703.1(d).