

BOARD MEETING DATE: August 7, 2020

AGENDA NO. 7

PROPOSAL: Issue Program Announcement for Zero-Emission Class 8 Freight and Port Drayage Trucks Eligible Under Statewide Volkswagen Environmental Mitigation Trust Program and Execute Contracts for Selected Eligible Projects

SYNOPSIS: In November 2018 and March 2020, the Board recognized revenue up to \$165 million to administer and implement two of the five project funding categories for the Volkswagen (VW) Environmental Mitigation Trust Program. For the category of Zero-Emission Class 8 Freight and Port Drayage Trucks, the first installment of VW project funds totaling \$27 million is available for eligible vehicles selected through a first-come, first-served solicitation. This action is to issue a statewide Program Announcement for the VW Zero-Emission Class 8 Freight and Port Drayage Trucks category totaling \$27 million for eligible vehicles selected on a first-come, first-served basis. The solicitation will be released upon Board approval, but applications will be accepted beginning August 18, 2020, at 1:00 p.m. PST. This action is to also authorize the Executive Officer to enter into contracts for eligible projects selected through this solicitation.

COMMITTEE: Technology, June 19, 2020; Recommended for Approval

RECOMMENDED ACTIONS:

1. Issue Program Announcement #PA2021-01 to solicit projects for the first installment of program funds totaling \$27 million for the Zero-Emission Class 8 Freight and Port Drayage Trucks category eligible under the statewide VW Environmental Mitigation Trust Program, with applications accepted online beginning August 18, 2020, at 1:00 p.m. PST; and

2. Authorize the Executive Officer to enter into contracts for eligible projects selected under the first-come, first-served solicitation for the VW Zero-Emission Class 8 Freight and Port Drayage Trucks category.

Wayne Nastri  
Executive Officer

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### **Background**

In November 2018 and March 2020, the Board recognized revenue up to \$165 million to administer and implement two of the five project funding categories for the Volkswagen (VW) Environmental Mitigation Trust Program. The two funding categories that South Coast AQMD will administer are the Combustion Freight and Marine Projects and Zero-Emission Class 8 Freight and Port Drayage Trucks. The other three funding categories are being administered and implemented by two other air districts, San Joaquin Valley APCD and Bay Area AQMD. San Joaquin Valley APCD is administering the Zero-Emission Transit, School and Shuttle Buses. Bay Area AQMD is administering the Zero-Emission Freight and Marine Projects and Light Duty Zero-Emission Vehicle Infrastructure. Staff has been working in collaboration with CARB, San Joaquin Valley APCD and Bay Area AQMD to develop an administrative budget, project agreements, framework for the VW Program, program specific webpages, and an online grant management system for South Coast AQMD's two funding categories that includes a public user interface for application submittal and related communications, as well as extensive outreach materials and efforts statewide.

Several statewide solicitations will be released to implement the VW Environmental Mitigation Trust Program. On October 21, 2019, San Joaquin Valley APCD released its first solicitation for Zero-Emission Transit, School, and Shuttle Buses, offering \$65 million in funding for the first of two installments. Currently, the school bus portion of San Joaquin's solicitation is closed due to oversubscription. On December 6, 2019, the South Coast AQMD released the first of two \$30 million installments for the Combustion Freight and Marine Projects Category; that solicitation closed on March 4, 2020. On February 20, 2020, the Bay Area AQMD, in conjunction with the CEC, issued its solicitation for Light Duty Zero-Emission Infrastructure for the hydrogen category, offering a total of \$5 million in funding; that solicitation closed on May 22, 2020. On June 18, 2020, Bay Area AQMD also released the first of two \$35 million installments for Zero-Emission Freight and Marine Projects and will release a solicitation for the final funding category offering \$5 million for Light Duty Zero-Emission Infrastructure for EVs in late 2020.

## **Proposal**

This action is to issue Program Announcement (PA) #PA2021-01 for the Zero-Emission Class 8 Freight and Port Drayage Trucks category of the VW Environmental Mitigation Trust Program. While the solicitation will be released upon Board approval, applications will be accepted online beginning August 18, 2020, at 1:00 p.m. PST, to provide equitable opportunities for all applicants. CARB supports this approach. The amount of funding available for eligible projects in this first of two installments is \$27 million. This action is to also authorize the Executive Officer to enter into contracts for eligible projects selected under the first-come, first-served solicitation for the VW Zero-Emission Class 8 Freight and Port Drayage Trucks category.

The PA will solicit applications from vehicle owners for the replacement of older, in-use on-road Class 8 freight trucks, waste haulers, dump trucks and concrete mixers with zero emission commercially available technologies. This program requires the scrapping of the older vehicle that is being replaced. Applicants will be required to submit applications for the Zero-Emission Class 8 Freight and Port Drayage Trucks category through an online application portal. Eligible projects in this category will be selected on a first-come, first-served basis, with the solicitation closing once all funds have been allocated.

## **Outreach**

The PA will be provided to San Joaquin Valley APCD, Bay Area AQMD, CARB and CAPCOA to assist with statewide outreach. The PA will also be posted on each of the VW websites administered by the South Coast AQMD, San Joaquin Valley APCD, Bay Area AQMD and CARB. South Coast AQMD will release a press release notifying interested stakeholders of the opening of the PA for the Zero-Emission Class 8 Freight and Port Drayage Trucks category. South Coast AQMD will also announce a public webinar session to assist applicants statewide and will conduct outreach on a statewide basis.

## **Funding Distribution**

The VW Trust is a component of partial settlements with VW and is enumerated in Appendix D of the Consent Decree ordered by the U.S. District Court for the Northern District of California. In May 2018, as required by the Consent Decree, CARB approved the Beneficiary Mitigation Plan, which includes a goal that at least 50 percent of program funds be expended on projects that will reduce NOx emissions in disproportionately impacted and low-income communities. The Plan provides the ability for each of the three air districts to track this on a cumulative basis. Staff will utilize the latest version of CalEnviroScreen for identification of disadvantaged and low-income communities.

**Benefits to South Coast AQMD**

The NOx emission reductions that will be achieved from replacing older, high-polluting vehicles and equipment with cleaner technologies within the South Coast AQMD and statewide are intended to fully mitigate the diesel NOx emissions caused by VW's illegal actions. CARB estimates that 10,000 tons of NOx emission reductions will be achieved over the 10-year life of the VW Mitigation Program. The projects funded through this program will also reduce emissions of other criteria air pollutants, toxic air contaminants and greenhouse gases. This program will also accelerate the deployment of new commercially available zero emission trucks and near-zero emissions heavy-duty natural gas trucks, which is a key strategy in the 2016 AQMP for reducing NOx emissions.

**Resource Impacts**

Revenue up to \$165 million was previously recognized into the VW Mitigation Special Revenue Fund (79) to administer and implement the two project funding categories being administered by the South Coast AQMD. There are sufficient funds in the VW Mitigation Special Revenue Fund (79) for this PA, which allocates \$27 million towards eligible projects. Reimbursement of administrative costs will not exceed \$15 million as allowed by the CARB grant.

**Attachment**

Volkswagen Environmental Mitigation Trust Zero-Emission Class 8 Freight and Port Drayage Trucks Program Announcement #PA2021-01



**2020**  
**VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST**  
**ZERO-EMISSION CLASS 8 FREIGHT AND PORT DRAYAGE TRUCKS**  
**STATEWIDE PROGRAM ANNOUNCEMENT (PA)**  
**#PA2021-01**

Funding is now available from the Volkswagen Environmental Mitigation Trust for the Zero-Emission Class 8 Freight and Port Drayage Trucks category (hereafter “VW Mitigation – ZE Class 8 Trucks Category”). This program will provide incentive funds on a first-come, first-served basis to truck owners operating in the State of California to replace Class 8 freight trucks, including drayage trucks, waste haulers, dump trucks, and concrete mixers, with zero-emission technologies approved by the California Air Resources Board (CARB) and available for commercial use.

In the preparation of this Program Announcement, the words “Applicant,” “Contractor,” and “Consultant” are used interchangeably.

**SECTION 1 – OVERVIEW**

**PURPOSE**

The purpose of the Program Announcement (PA) is to solicit project applications for the first installment of funds for the VW Mitigation – ZE Class 8 Trucks Category. **The budget for this PA is \$27 million from the Volkswagen Environmental Mitigation Trust (VW Trust) and is available to fleets operating throughout the State of California.**

**INTRODUCTION**

The VW Trust was established as part of a settlement with Volkswagen (VW) for their role in utilizing illegal defeat devices in certain 2.0- and 3.0-liter vehicles that resulted in excess NOx emissions. The VW Mitigation program is intended to fully mitigate the excess NOx emissions caused by these VW vehicles.

CARB is the designated lead agency acting on the State’s behalf as beneficiary to implement California’s allocation of the mitigation funds. On May 25, 2018, CARB approved the Beneficiary Mitigation Plan (BMP) for California which contains the eligible mitigation actions (EMA) or project funding categories that are eligible for funding from the states \$423 million allocation of the VW Trust. The BMP designated five project categories for funding that will be administered and implemented as a statewide program by three local air districts, for which the South Coast AQMD is the statewide project administrator for two of the five project categories including: Combustion Freight and Marine Projects, and Zero-Emission Class 8 Freight and Port Drayage Trucks. For the purposes of this PA, South Coast AQMD will hereafter be referred to as the Project Administrator.

This PA is for the first installment of the VW Mitigation funds available for the ZE Class 8 Trucks Category, which includes a total of \$27 million. All applications will be evaluated on a first-come, first-served basis. This PA was prepared based on the latest version of the BMP, which is available online at:



<https://ww2.arb.ca.gov/resources/documents/californias-beneficiary-mitigation-plan>. The FAQs can be found at: <http://www.aqmd.gov/vw>.

This PA will identify key eligibility criteria to qualify for funding under this solicitation for the VW Mitigation – ZE Class 8 Trucks Category. The detailed requirements for projects can be found in the BMP.

Applicants are encouraged to review this PA for general eligibility information and funding limitations that may apply to certain types of projects.

The requirements and project eligibility criteria set forth in this PA and the BMP may be more stringent than those within the Consent Decree. As such, the more stringent requirements and project eligibility criteria will prevail.

### **GENERAL PROGRAM INFORMATION**

- All applications must be submitted through the web-based application portal. No paper applications will be accepted.
- The applicant must be the legal owner of the truck. The applicant may use a third party to assist in completing the online application; however, the application must be signed by the applicant, and no contracts will be executed with a third party.
- Applicants must be able to demonstrate the ability to refuel or recharge trucks funded with Program funds.
- Applications may contain funding requests for multiple trucks; however, fleets will be limited to no more than ten percent of the available program funds for this solicitation (i.e., up to \$2.70 million) per Entity (Applicant), as determined by Tax ID. If insufficient applications are received to expend the available VW Mitigation funds for this PA, the Project Administrator reserves the right to issue additional contracts beyond the stated limit.
- Funding through this PA will be limited to entities that have been legally operating the subject trucks for at least 75 percent of the time within the State of California for at least the previous one year.
- Out-of-state International Registration Plan (IRP) registration may be allowed if the registration documentation shows that the truck was operated for at least 75 percent of the time within California.
- Solicitation is first-come, first-served. The Project Administrator will evaluate and contract with complete and qualifying applications meeting all applicable project requirements including eligibility, recordkeeping, and reporting, in the order the applications are received.
- It is expected that multiple awards will be granted under this PA.

All proposals will be evaluated based on criteria set forth in this PA. Furthermore, the Project Administrator reserves the right to adjust awards based on the subsequent verification of information received.



## **IMPORTANT PROGRAM INFORMATION**

- Applicants must ensure that the truck to be purchased is compliant with all applicable federal, state, and local air quality rules and regulations and that it will maintain compliance for the full contract term.
- Any associated tax obligation from receiving grant funds from the Project Administrator is the responsibility of the applicant.
- Pre, post, and destruction inspection of trucks approved for funding will be conducted by the Project Administrator or their designee.
- Applicants may not receive funds exceeding actual project costs.
- Applicants shall not apply for funding for the same truck with any other funding source which claims the same emission reductions.
- All projects must be operational by the date specified in their contract.

## **FUNDING CATEGORIES & ELIGIBILITY**

Below is the specific project category identified for funding under this PA:

- Class 8 freight trucks including drayage trucks, waste haulers, dump trucks, and concrete mixers

### General Eligibility Requirements

- Projects must implement zero-emission technologies certified/approved by CARB.
- Trucks must be commercially available and ready for use.
- Trucks purchased must be part of a service and maintenance network.
- Trucks must be in service within 24 months of contract execution, unless otherwise approved by the Project Administrator.
- Applicants must demonstrate that they are in full compliance with all applicable state, federal, and local rules and regulations.
- The existing truck being replaced must be scrapped by a CA DMV-licensed dismantler.
- The replacement truck must be a new truck.
- The replacement (new) truck funded through this program must be operated in California for a minimum of three years.

### Class 8 Freight Trucks

Below are the key eligibility requirements for on-road vehicle projects:

- Truck Type:
  - Class 8: freight trucks including drayage trucks, waste haulers, dump trucks, and concrete mixers
- Project Type:
  - Replacement only
- Old Truck/Engine:

- Internal combustion engine with a 1992 to 2012 engine model year that is currently in compliance with and will remain in compliance with all state, federal, and local rules and regulations until time of replacement.
- New Truck/Motor:
  - Zero-Emission Technology (certified/approved by CARB and commercially available) with the motor model year in which the replacement occurs or one motor model year prior:
    - Battery Electric
    - Hydrogen Fuel Cell
- Compliance
  - See *Regulatory Compliance* section below.

## REGULATORY COMPLIANCE

All applicants must be fully compliant with applicable rules and regulations to be eligible for consideration for VW Mitigation – ZE Class 8 Trucks Category funding. Reference is made to CARB’s rule webpages that provide detailed information on compliance with these regulations. Please see *Section VI: Staff Contacts and Additional Resources* below for links to these webpages.

## PROJECT REQUIREMENTS

The following application/supplemental documentation items will be needed to determine project eligibility:

- Applicant must demonstrate compliance with applicable CARB rules or regulations, which may include, but is not limited to:
  - TRUCRS Fleet Compliance for each project application
  - Drayage Truck Registry Compliance for each project application
  - Compliance with the Solid Waste Collection Regulation for each project application
  - Compliance with Fleet Rule for Public Agencies and Utilities
- Applicants must provide the CARB Executive Order for the old and new truck
- Applicant must provide a copy of the vehicle’s title (must be a clean title with no active lienholders)
- Applicant must provide a vendor price quote for the new truck dated within 90 days of application submittal, or for government entities provide documentation for a bid process which includes the cost of each individual replacement purchase
- Applicant must provide twelve months of vehicle registration documentation
- Applicant must provide twelve months of truck insurance documentation, or for government agencies who are self-insured, documentation certifying self-insurance.
- Applicant must provide twelve consecutive months of usage records (e.g. mileage records, maintenance reports or other documentation)
- Applicants must provide photos of existing vehicle/engine including:



- Entire front of truck
- Entire side of truck
- Truck license plate number and unit number/identifier (if any)
- Vehicle Identification Number (VIN)
- Gross Vehicle Weight Rating (GVWR) label
- Engine tag (with engine model year, serial number, engine family name, and horsepower rating clearly identified)

**MAXIMUM ELIGIBLE FUNDING**

The maximum eligible funding caps are summarized below in Table 1: ZE Class 8 Trucks Category Funding & Eligibility.

**Table 1: ZE Class 8 Trucks Category Funding & Eligibility**

Baseline Equipment	Baseline Technology	Replacement Technology	Project Type	Ownership Category	Maximum Percentage (%) of Funding (of cost)	Maximum Funding Up To
Class 8 Freight Trucks (including drayage trucks, waste haulers, dump trucks, and concrete mixers)*	Engine Model Years 1992 to 2012**	Zero-Emission: Battery-Electric or Hydrogen Fuel Cell	Replacement	Non-Government	75%	\$200,000
				Government	100%	

\*Class 8 – Gross Vehicle Weight Rating (GVWR) greater than 33,000 lbs.

\*\*Must comply with all applicable rules and regulations until time of replacement

**REPORTING AND MONITORING**

All participants in the VW Mitigation – ZE Class 8 Trucks Category will be required to keep appropriate records during the full contract period, which will include a minimum of three years during the contract term, plus three years after the contract term. All equipment must operate in the state of California at least 75 percent of the time for the full contract term. The records will contain the following, at a minimum, as applicable:

- DMV Registration Records
- Insurance Certificate(s) or documentation certifying self-insurance for government agencies that are self-insured
- Records of Annual Usage – including Odometer Readings
- Operational and maintenance issues encountered and how they were resolved



- Self-certification of where the truck was operated
- Self-certification of compliance with labor laws

Contractors will be required to submit annual reports containing the above information to the Project Administrator for the three-year term of the contract. Records must be retained and updated throughout the contract term plus three years and made available for the Project Administrator, CARB, or their designee for review upon request.

## **PROGRAM ADMINISTRATION**

The VW Mitigation – ZE Class 8 Trucks Category will be administered by the South Coast AQMD through the Technology Advancement Office.

## **PROJECT EVALUATION/AWARDS**

The Project Administrator will evaluate all submitted project applications for completeness and eligibility, and select projects on a first-come, first-served basis. Projects will also be evaluated to determine if the project qualifies as benefiting a disadvantaged or low-income community.

## **DEFINITIONS**

1. Beneficiary Mitigation Plan (BMP)  
Document that contains the eligible mitigation actions (projects) for California that the California Air Resources Board (CARB or Board) will fund from the State's \$423 million allocation of the Environmental Mitigation Trust.
2. CARB Certified  
Vehicle or engine that has been certified and issued an Executive Order by CARB.
3. Class 8 Local Freight, and Port Drayage Trucks (Eligible Large Trucks)  
Trucks with a Gross Vehicle Weight Rating (GVWR) greater than 33,000 lbs. used for port drayage and/or freight/cargo delivery (including waste haulers, dump trucks, concrete mixers).
4. Concrete Mixer (or cement mixer)  
On-road vehicle used for transporting and mixing concrete.
5. Consent Decree  
The First Partial Consent Decree in 'IN RE: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation', MDL No. 2672 CRB (JSC) (Dkt. No. 2103-1), and the Second Partial Consent Decree in that case (Dkt. No. 3228-1).

6. Contract Term

Contract term is the duration for which the contract is valid. It encompasses both the project completion and project implementation periods.

- (i) Project completion period is the first part of the Contract term starting from the date of Contract execution by both parties to the date the project post-inspection confirms that the project has become operational, and the destruction inspection confirms the old vehicle/engine has been destroyed.
- (ii) Project implementation period is the second part of the Contract term and equals the project life.

7. Drayage Trucks

Trucks hauling cargo to and from ports and intermodal rail yards.

8. Dump Truck

On-road vehicle used for the transportation of bulk material and that has a body which tilts to dump its contents.

9. Eligible Mitigation Action

Any of the actions listed in Appendix D-2 of the Environmental Mitigation Trust.

10. Environmental Mitigation Trust

The Trust funded with Mitigation Trust Payments according to the terms of the First Partial Consent Decree and the Second Partial Consent Decree (jointly, the "Consent Decree").

11. Freight Truck

Trucks, including commercial trucks, used to deliver cargo and freight (e.g., courier services, delivery trucks, box trucks moving freight, waste haulers, dump trucks, concrete mixers).

12. Garbage-packer vehicle

A vehicle specially designed to collect and compact residential or commercial solid waste on the vehicle for purposes of transportation and disposal. These include but are not limited to vehicles commonly referred to as front loader, rear loader, and automated and semi-automated side loaders.

13. Garbage-roll off vehicle

A vehicle that is designed to drop off and pick up open boxes or other containers that are commonly used to collect residential and commercial solid waste at a site.

14. Government

State or local government agency (including a school district, municipality, city, county, special district, transit district, joint powers authority, or port authority, owning fleets purchased with government funds), and a tribal government or native village. The term "State" means the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

15. Gross Vehicle Weight Rating (GVWR)

The maximum weight of the vehicle, as specified by the manufacturer. GVWR includes total vehicle weight plus fluids, passengers, and cargo.

Class 1: < 6,000 lb.

Class 2: 6,001-10,000 lb.

Class 3: 10,001-14,000 lb.

Class 4: 14,001-16,000 lb.

Class 5: 16,001-19,500 lb.

Class 6: 19,501-26,000 lb.

Class 7: 26,001-33,000 lb.

Class 8: > 33,000 lb.

16. Incremental Cost

Incremental cost is the percent of actual cost that is eligible for funding.

17. Intermodal Rail Yard

A rail facility in which cargo is transferred from drayage truck to train or vice-versa.

18. Mitigation Action

Eligible Project and is any of the actions listed in Appendix D-2 of the Environmental Mitigation Trust.

19. New Vehicle

A vehicle constructed entirely from new parts that has never been the subject of a retail sale, or registered with the department, or registered with the appropriate agency or authority of any other state, District of Columbia, territory or possession of the United States, or foreign state, province, or country.

20. Project Life

Project life is the period of the contract term, during which the repowered or replacement vehicle/equipment/engine is operated, and the contractor must report annual usage. It is used to calculate the cost effectiveness and funding amount for a particular project.

21. Replacement Project

Replacement project is the purchase of a new vehicle/equipment/engine to replace an existing vehicle/equipment/engine.

22. Residential or commercial solid waste

All putrescible and non-putrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single-family or multiple family dwellings, stores, offices, and other

commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.

23. Scrapped

To render inoperable and available for recycle, and, at a minimum, to specifically cut a three-inch hole in the engine block for all engines. If any eligible vehicle will be replaced as part of an eligible project, scrapped also includes the disabling of the chassis by cutting the vehicle's frame rails completely in half.

24. Tier 0, 1, 2, 3, and 4

Refers to corresponding U.S. EPA engine emission classifications for nonroad, locomotive, and marine engines.

25. Waste Hauler

An on-road vehicle that is a "garbage-packer vehicle" or a "garbage-roll off vehicle".



**ALL APPLICATIONS MUST BE RECEIVED ELECTRONICALLY THROUGH THE ONLINE WEB-BASED APPLICATION PORTAL UNTIL THERE IS NO MORE FUNDING AVAILABLE FOR THE FIRST SOLICITATION OF THE ZERO-EMISSION CLASS 8 FREIGHT AND PORT DRAYAGE TRUCKS CATEGORY**

Only electronic submissions are allowed using the new Grant Management System (GMS) available upon this solicitation opening at: [www.agmd.gov/vw](http://www.agmd.gov/vw).

Paper, faxed or emailed proposals will not be accepted. Any correction or resubmission done by the applicant will not extend the submittal due date.

The Project Administrator may issue subsequent solicitations if insufficient applications are received in the initial solicitation.

All information submitted in applications is a public record and subject to Public Records Act requests.

#### **STATEMENT OF COMPLIANCE**

Government Code Section 12990 and California Administrative Code, Title II, Division 4, Chapter 5, require employers to agree not to unlawfully discriminate against any employee or applicant because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age. A statement of compliance with this clause will be included in the contract with the Program Administrator.

#### **COMPLIANCE WITH LABOR LAWS**

If an application is deemed eligible, the applicant will be required to provide any labor violations that have occurred within the last three years to be further considered for an award. If awarded, the contractor will be required to notify the Program Administrator in writing if they have been found by a court or federal or state agency to have violated labor laws. The contractor will complete a yearly certification in which they will either state that they have not been found by a court or federal or state agency to have violated labor laws or, if such violations have been found, the contractor will give the Program Administrator details about those violations in the certification. If the contractor has previously provided that information to the Program Administrator, they will be required to reattach that previous notification to the certification and provide any additional details about those violations that have not previously been provided. The contractor's yearly certification will be due at the same time as the annual progress reports. The Program Administrator reserves the right to terminate the contract with a contractor that has been found to have violated labor laws, and the contractor may be required to return any and all contract funds, as determined by the Program Administrator. The contractor will also ensure that these requirements are included in all subcontracts.

#### **SECTION II: WORK STATEMENT/DELIVERABLES**

All applicants that are selected for funding awards must complete the *Work Statement and Deliverables* described below as part of the contracting process. Development of these materials for the initial



application is NOT required; however, applicants must digitally sign the application indicating their understanding of the requirements for submittal of additional project information to finalize a contract and that all trucks must be in operation no later than the date specified within the contract.

### **WORK STATEMENT**

The scope of work involves a series of tasks and deliverables that demonstrate compliance with the requirements of the VW Mitigation – ZE Class 8 Trucks Category as administered by CARB and the Program Administrator.

At a minimum, any proposed project must meet the following criteria:

- Emission reductions must be surplus to any existing regulatory requirements.
- The old and new truck must meet all eligibility requirements.
- Project trucks must operate in-service for the full contract term.
- All trucks must be in operation by the in-service date specified in the contract.
- Appropriate annual records must be kept and reported to the Project Administrator during the contract term of three years (e.g., odometer readings) and must be retained for three additional years after the term of the contract.
- All applicants must be fully compliant with applicable rules and regulations to be eligible for consideration for VW Mitigation – ZE Class 8 Trucks Category funding.
- If requested, a contractor must provide a financial statement and bank reference, or other evidence of financial ability to fulfill contract requirements.

### **DELIVERABLES**

The contract will describe how the project will be monitored and what type of information will be included in the annual reports. At a minimum, the Project Administrator expects to receive an annual report throughout the contract term, which provides:

- DMV Registration;
- Insurance Certificate(s) or documentation certifying self-insurance for government agencies that are self-insured;
- Records of Annual Usage – including Odometer Readings
- Operational and maintenance issues encountered and how they were resolved;
- Self-certification of where the truck was operated; and
- Self-certification of compliance with labor laws.

The Project Administrator reserves the right to verify the information provided.

### **SECTION III: PROPOSAL SUBMITTAL REQUIREMENTS**

Applicants must complete the appropriate application forms committing that the information requested in *Section II, Work Statement/Deliverables*, will be submitted if the Applicant’s project is selected for funding.



In addition, *Conflict of Interest* and *Project Cost* information, as described below, must also be submitted with the application. It is the responsibility of the applicant to ensure that all information submitted is accurate and complete.

### **CONFLICT OF INTEREST**

Applicant must address any potential conflicts of interest with other clients affected by actions performed by the firm on behalf of the Program Administrator. Although the applicant will not be automatically disqualified by reason of work performed for such firms, the Program Administrator reserves the right to consider the nature and extent of such work in evaluating the proposal. Conflicts of interest will be screened on a case-by-case basis by the General Counsel's Office for the Program Administrator. Conflict of interest provisions of the state law, including the Political Reform Act, may apply to work performed pursuant to this contract. Please discuss potential conflicts of interest on the application form entitled "Campaign Contributions Disclosure".

### **PROJECT COST**

Applicants must provide cost information that specifies the amount of funding requested and the basis for that request by providing a vendor price quote as part of the application. Applicants need to inform the vendor of the time frame of the award process so that they can accurately quote costs based on the anticipated order/purchase date. Quotes must be dated within 90 days of the application submittal date. For government agencies obtaining trucks through a bid process, bid process documentation must be provided indicating cost of each individual truck to be purchased.

Note that any orders placed or payments made in advance of an executed contract with the Project Administrator are done at the risk of the applicant. The Project Administrator has no obligation to fund the project until a contract is fully executed by both parties.

All project costs must be clearly indicated in the application. In addition, applicants must identify any sources of co-funding and the amount of co-funding from each source in the application. Funding from the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP) may not be used as co-funding with VW Mitigation funds. In addition, co-funding may not be from any state funding sources or funding sources where any portion of NOx reductions could be double-counted, including but not limited to the Carl Moyer Program, AB 923 or AB 617.

### **PROPOSAL SUBMISSION**

All proposals must be submitted according to specifications set forth herein.

#### Application Forms

All applications must be submitted through the web-based application portal. Applicants may submit multiple units per single application. An application checklist is provided as an attachment (Attachment A) to this PA to assist applicants in completing their applications. Required documents (e.g., pictures of existing vehicle, usage records, Disadvantaged Business Certification, etc.) requested in the application and discussed in this PA need to be uploaded prior to submittal. Paper, faxed, or emailed proposals will not be accepted.



### Certifications and Representations (Attachment B)

The online application will contain seven business forms of which six must be completed and submitted with the online application.

- Business Information Request
- Disadvantaged Business Certification
- W-9 Request for Taxpayer Identification Number and Certification
- Form 590 Withholding Exemption Certificate
- Certification of Debarment, Suspension, and Other Responsibility Matters
- Campaign Contribution Disclosure
- Direct Deposit Form (not required for application submittal)

### Methods of Delivery

The applicant must submit their application using the web-based application portal or Grant Management System (GMS), available at: [www.aqmd.gov/vw](http://www.aqmd.gov/vw). This online system allows applicants to submit their application electronically to the Project Administrator during the solicitation period. All required documents must be uploaded to the online system. First-time users must register as a new user.

### Grounds for Rejection

An application may be immediately rejected if:

- It is not prepared in the format described.
- It is not signed by the truck owner.
- Does not include required documents requested in the application or discussed in this PA.
- Does not meet eligibility requirements as stated in this PA.

### Disposition of Applications

The Project Administrator reserves the right to reject any or all applications based on the above criteria. All responses become the property of the Project Administrator.

### Modification or Withdrawal

Once submitted, applications cannot be altered without the prior written consent of the Project Administrator.

### Schedule

Release Solicitation:	Friday, August 7, 2020
Applications Accepted Beginning:	Tuesday, August 18, 2020, at 1:00 pm PST
All Applications Due by:	Closes when all funds are expended
Evaluation Period:	Ongoing as applications are submitted
Contract Execution:	Beginning November 2020



**SECTION IV: PROPOSAL EVALUATION/CONTRACTOR SELECTION CRITERIA**

The Project Administrator will evaluate all submitted project applications for completeness and eligibility. Funding will be awarded for each eligible truck until all funds have been awarded.

**SECTION V: PAYMENT TERMS**

For all projects, payment will be made upon the submittal of a complete and valid invoice for the reimbursement of costs paid by the Contractor for the new truck, and verification that the truck meets the program requirements and was placed into regular operating service. Proof of destruction of the old truck is also required prior to payment of VW Mitigation funds. The Project Administrator will pay a percentage of the invoice as described in this PA or the contract maximum amount, whichever is less.

**SECTION VI: STAFF CONTACTS AND ADDITIONAL RESOURCES**

For additional information, the Project Administrator has posted responses to Frequently Asked Questions (FAQs), which can be found at the Project Administrator’s VW website at: <http://www.aqmd.gov/vw/>.

If you have any additional questions regarding the content or intent of this PA, procedural matters, application support, etc., please contact the Project Administrator team members assigned to the VW Mitigation – ZE Class 8 Trucks Category below:

**Table 2: VW Mitigation - ZE Class 8 Trucks Category Staff Contacts**

Contact Name	Phone Number	Email
VW Funds	(833) 894-7267	vwfunds@aqmd.gov
Adan Velasco	(909) 396-3246	avelasco@aqmd.gov
Alicia Martinez	(909) 396-3165	amartinez@aqmd.gov
Ping Gui	(909) 396-3187	pgui@aqmd.gov

**WEBSITE LINKS**

Truck and Bus Regulation at: <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

Drayage Truck Regulation at: <https://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm>

Public/Utility Fleet Rule at: <http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm>

Solid Waste Collection Vehicle Regulation at: <https://ww3.arb.ca.gov/msprog/swcv/swcv.htm>

SCE Charge Ready Transport Program at: <https://www.sce.com/business/electric-cars/charge-ready-transport>

SDG&E MD/HD EV Charging Infrastructure Program at: <https://www.sdge.com/mediumheavy-duty-mdhd-ev-charging-infrastructure-program>

PG&E EV Fleet Program at: [https://www.pge.com/en\\_US/large-business/solar-and-vehicles/clean-vehicles/ev-fleet-program/ev-fleet-program.page](https://www.pge.com/en_US/large-business/solar-and-vehicles/clean-vehicles/ev-fleet-program/ev-fleet-program.page)

**ATTACHMENT A**

**VW Mitigation Program – Zero-Emission Class 8 Freight and Port Drayage Trucks**

**Application Checklist**

1.		Truck Identifier (the name used by applicant to identify the unit)
2.		Truck Information: <ul style="list-style-type: none"> <li>• Class (only Class 8 is eligible)</li> <li>• Vocation (Concrete Mixer, Drayage Truck, Dump Truck, Freight Truck, or Waste Hauler)</li> </ul>
3.		Truck domiciled address (physical location address of the vehicle)
4.		Truck ownership information
5.		Truck Activity Information: <ul style="list-style-type: none"> <li>• Odometer Readings: Documenting mileage for the previous 12 months</li> <li>• Odometer Readings: Current</li> </ul>
6.		Existing Truck Information: <ul style="list-style-type: none"> <li>• Vehicle Identification Number (VIN)</li> <li>• License Plate Number</li> <li>• Gross Vehicle Weight Rating (GVWR)</li> <li>• Truck Model Year</li> </ul>
7.		Existing Engine Information: <ul style="list-style-type: none"> <li>• Fuel type</li> <li>• Engine Family Name (EFN)</li> <li>• Engine Executive Order Number (EO)</li> <li>• Engine Model Year</li> <li>• Engine Make, Model, Serial, Horsepower (HP)</li> </ul>
8.		Replacement (New) Truck Information: <ul style="list-style-type: none"> <li>• Gross Vehicle Weight Rating (GVWR)</li> <li>• Truck Make, Model, Model Year</li> </ul>
9.		Replacement (New) Engine Motor Information: <ul style="list-style-type: none"> <li>• Zero-emission type</li> <li>• Vehicle Family Name (VFN)</li> <li>• Executive Order Number (EO), or verification of CARB-approval</li> <li>• Model Year</li> </ul>
10.		Total Cost: Replacement: cost of truck and associated taxes



VW Mitigation Program – Zero-Emission Class 8 Freight and Port Drayage Trucks

Supplemental Documentation Checklist

1.		<p>Photos for Existing Truck:</p> <ul style="list-style-type: none"> <li>• Front of truck</li> <li>• Full side view of truck</li> <li>• Truck License Plate Number</li> <li>• VIN and GVWR tag(s)</li> <li>• Engine tag (with Make, Model, Year, Serial Number, Horse Power, and Family Name)</li> <li>• Current Odometer reading</li> </ul>
2.		<p>Copy of compliance documentation (in its entirety) indicating that the existing truck and fleet is in compliance with applicable rules and regulations which may include, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Compliance Certificate</li> <li>• Picture of Compliance Sticker</li> <li>• Compliance Status printout</li> <li>• Truck Information printout</li> <li>• Company Information printout</li> </ul>
3.		Copy of truck’s clean title (no lienholders listed)
4.		12 months of vehicle registration documentation
5.		12 months of insurance documentation
6.		<p>Copy of Executive Order for:</p> <ul style="list-style-type: none"> <li>• Existing engine</li> <li>• Replacement (new) engine</li> </ul>
7.		12 consecutive months of usage records (odometer readings with date of readings required)
8.		<p>Vendor Quote (dated within 90 days of application) and must include:</p> <ul style="list-style-type: none"> <li>• Quoted date</li> <li>• Total cost (including taxes and state fees)</li> <li>• Warranty information</li> <li>• Government Agencies with bid processes only – bid documentation with cost breakdown of each individual unit</li> </ul>

**ATTACHMENT B**



# 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:

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, remember to sign all 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,

Sujata Jain  
Deputy Executive Officer  
Finance

DH:tm

Enclosures: Business Information Request  
Disadvantaged Business Certification  
W-9  
Form 590 Withholding Exemption Certificate  
Federal Contract Debarment Certification  
Campaign Contributions Disclosure  
Direct Deposit Authorization



# 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			

All invoices must reference the corresponding Purchase Order Number(s)/Contract Number(s) if applicable and mailed to:

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

## BUSINESS STATUS CERTIFICATIONS

Federal guidance for utilization of disadvantaged business enterprises allows a vendor to be deemed a small business enterprise (SBE), minority business enterprise (MBE) or women business enterprise (WBE) if it meets the criteria below.

- is certified by the Small Business Administration or
- is certified by a state or federal agency or
- is an independent MBE(s) or WBE(s) business concern which is at least 51 percent owned and controlled by minority group member(s) who are citizens of the United States.

### Statements of certification:

As a prime contractor to SCAQMD, (name of business) will engage in good faith efforts to achieve the fair share in accordance with 40 CFR Section 33.301, and will follow the six affirmative steps listed below **for contracts or purchase orders funded in whole or in part by federal grants and contracts.**

1. Place qualified SBEs, MBEs, and WBEs on solicitation lists.
2. Assure that SBEs, MBEs, and WBEs are solicited whenever possible.
3. When economically feasible, divide total requirements into small tasks or quantities to permit greater participation by SBEs, MBEs, and WBEs.
4. Establish delivery schedules, if possible, to encourage participation by SBEs, MBEs, and WBEs.
5. Use services of Small Business Administration, Minority Business Development Agency of the Department of Commerce, and/or any agency authorized as a clearinghouse for SBEs, MBEs, and WBEs.
6. If subcontracts are to be let, take the above affirmative steps.

### **Self-Certification Verification: Also for use in awarding additional points, as applicable, in accordance with SCAQMD Procurement Policy and Procedure:**

Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> Small Business Enterprise/Small Business Joint Venture | <input type="checkbox"/> Women-owned Business Enterprise                               |
| <input type="checkbox"/> Local business   | <input type="checkbox"/> Disabled Veteran-owned Business Enterprise/DVBE Joint Venture |
| <input type="checkbox"/> Minority-owned Business Enterprise                     | <input type="checkbox"/> Most Favored Customer Pricing Certification                   |

Percent of ownership: \_\_\_\_\_ %

Name of Qualifying Owner(s): \_\_\_\_\_

**State of California Public Works Contractor Registration No. \_\_\_\_\_ . MUST BE INCLUDED IF BID PROPOSAL IS FOR PUBLIC WORKS PROJECT.**

I, the undersigned, hereby declare that to the best of my knowledge the above information is accurate. Upon penalty of perjury, I certify information submitted is factual.

\_\_\_\_\_  
*NAME*

\_\_\_\_\_  
*TITLE*

\_\_\_\_\_  
*TELEPHONE NUMBER*

\_\_\_\_\_  
*DATE*

## 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 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.

**Most Favored Customer** as used in this policy means that the SCAQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.

# Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.		
	2 Business name/disregarded entity name, if different from above		
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.		4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from FATCA reporting code (if any) _____  <i>(Applies to accounts maintained outside the U.S.)</i>
	<input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate		
	<input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ <b>Note:</b> Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is <b>not</b> disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.		
	<input type="checkbox"/> Other (see instructions) ▶ _____		
	5 Address (number, street, and apt. or suite no.) See instructions.		Requester's name and address (optional)
6 City, state, and ZIP code			
7 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 generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

<b>Social security number</b>											
				-			-				
<b>or</b>											
<b>Employer identification number</b>											
				-							

## 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. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**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 for Part II, later.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*

By signing the filled-out form, you:

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. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

**Note:** If you are a U.S. person and 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.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 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 payee 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, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, 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,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
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 *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## 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

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note: ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or “doing business as” (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity’s name as shown on the entity’s tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. 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 line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a “disregarded entity.” See Regulations section 301.7701-2(c)(2)(iii). Enter the owner’s name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner’s name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity’s name on line 2, “Business name/disregarded entity name.” If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

### Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys’ fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 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 U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

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

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

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

### Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

### Line 6

Enter your city, state, and ZIP code.

## 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.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, 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 SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). 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 Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and 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:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. 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 item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 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 made in settlement of payment card and third party network transactions, 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), ABLE accounts (under section 529A), 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) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. 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>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. 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
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<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 "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the 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.) Also see *Special rules for partnerships*, earlier.

\*Note: The grantor also must provide a Form W-9 to trustee of trust.

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.

**Secure Your Tax Records From Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Visit [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and 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. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

**2020 Withholding Exemption Certificate****590****The payee completes this form and submits it to the withholding agent. The withholding agent keeps this form with their records.****Withholding Agent Information**

Name \_\_\_\_\_

**Payee Information**Name \_\_\_\_\_  SSN or ITIN  FEIN  CA Corp no.  CA SOS file no.

Address (apt./ste., room, PO box, or PMB no.) \_\_\_\_\_

City (If you have a foreign address, see instructions.) \_\_\_\_\_ State \_\_\_\_\_ ZIP code \_\_\_\_\_

**Exemption Reason****Check only one box.**

By checking the appropriate box below, the payee certifies the reason for the exemption from the California income tax withholding requirements on payment(s) made to the entity or individual.

 **Individuals — Certification of Residency:**

I am a resident of California and I reside at the address shown above. If I become a nonresident at any time, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.

 **Corporations:**

The corporation has a permanent place of business in California at the address shown above or is qualified through the California Secretary of State (SOS) to do business in California. The corporation will file a California tax return. If this corporation ceases to have a permanent place of business in California or ceases to do any of the above, I will promptly notify the withholding agent. See instructions for General Information D, Definitions.

 **Partnerships or Limited Liability Companies (LLCs):**

The partnership or LLC has a permanent place of business in California at the address shown above or is registered with the California SOS, and is subject to the laws of California. The partnership or LLC will file a California tax return. If the partnership or LLC ceases to do any of the above, I will promptly inform the withholding agent. For withholding purposes, a limited liability partnership (LLP) is treated like any other partnership.

 **Tax-Exempt Entities:**

The entity is exempt from tax under California Revenue and Taxation Code (R&amp;TC) Section 23701 \_\_\_\_\_ (insert letter) or Internal Revenue Code Section 501(c) \_\_\_\_\_ (insert number). If this entity ceases to be exempt from tax, I will promptly notify the withholding agent. Individuals cannot be tax-exempt entities.

 **Insurance Companies, Individual Retirement Arrangements (IRAs), or Qualified Pension/Profit-Sharing Plans:**

The entity is an insurance company, IRA, or a federally qualified pension or profit-sharing plan.

 **California Trusts:**

At least one trustee and one noncontingent beneficiary of the above-named trust is a California resident. The trust will file a California fiduciary tax return. If the trustee or noncontingent beneficiary becomes a nonresident at any time, I will promptly notify the withholding agent.

 **Estates — Certification of Residency of Deceased Person:**

I am the executor of the above-named person's estate or trust. The decedent was a California resident at the time of death. The estate will file a California fiduciary tax return.

 **Nonmilitary Spouse of a Military Servicemember:**

I am a nonmilitary spouse of a military servicemember and I meet the Military Spouse Residency Relief Act (MSRRA) requirements. See instructions for General Information E, MSRRA.

**CERTIFICATE OF PAYEE:** Payee must complete and sign below.To learn about your privacy rights, how we may use your information, and the consequences for not providing the requested information, go to [ftb.ca.gov/forms](http://ftb.ca.gov/forms) and search for **1131**. To request this notice by mail, call 800.852.5711.

Under penalties of perjury, I declare that I have examined the information on this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare under penalties of perjury that if the facts upon which this form are based change, I will promptly notify the withholding agent.

Type or print payee's name and title \_\_\_\_\_ Telephone \_\_\_\_\_

Payee's signature ► \_\_\_\_\_ Date \_\_\_\_\_

## **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 judgement 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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## CAMPAIGN CONTRIBUTIONS DISCLOSURE

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 South Coast Air Quality Management District (SCAQMD) 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).

California law prohibits a party, or an agent, from making campaign contributions to SCAQMD Governing Board Members or members/alternates of the Mobile Source Air Pollution Reduction Review Committee (MSRC) of more than \$250 while their contract or permit is pending before SCAQMD; 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, SCAQMD 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 more than \$250 in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC. Gov't Code §84308(c).

The list of current SCAQMD Governing Board Members can be found at SCAQMD 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.**

**Contractor (Legal Name):** \_\_\_\_\_

DBA, Name _____, County Filed in _____
Corporation, ID No. _____
LLC/LLP, ID No. _____

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

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

### **SECTION II.**

Has Contractor and/or any 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 member/alternate 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

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

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

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

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

**DEFINITIONS**

Parent, Subsidiary, or Otherwise Related Business Entity (2 Cal. Code of Regs., §18703.1(d).)

- (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.



# South Coast Air Quality Management District

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

## Direct Deposit Authorization

### STEP 1: Please check all the appropriate boxes

- |  |  |
|--|--|
| <input type="checkbox"/> Individual (Employee, Governing Board Member) | <input type="checkbox"/> New Request           |
| <input type="checkbox"/> Vendor/Contractor                             | <input type="checkbox"/> Cancel Direct Deposit |
| <input type="checkbox"/> Changed Information                           |  |

### STEP 2: Payee Information

Last Name		First Name		Middle Initial	Title
Vendor/Contractor Business Name (if applicable)					
Address				Apartment or P.O. Box Number	
City		State	Zip	Country	
Taxpayer ID Number		Telephone Number		Email Address	

### Authorization

- I authorize South Coast Air Quality Management District (SCAQMD) to direct deposit funds to my account in the financial institution as indicated below. I understand that the authorization may be rejected or discontinued by SCAQMD at any time. If any of the above information changes, I will promptly complete a new authorization agreement. If the direct deposit is not stopped before closing an account, funds payable to me will be returned to SCAQMD for distribution. This will delay my payment.
- This authorization remains in effect until SCAQMD receives written notification of changes or cancellation from you.
- I hereby release and hold harmless SCAQMD for any claims or liability to pay for any losses or costs related to insufficient fund transactions that result from failure within the Automated Clearing House network to correctly and timely deposit monies into my account.

### STEP 3:

You must verify that your bank is a member of an Automated Clearing House (ACH). Failure to do so could delay the processing of your payment. You must attach a voided check or have your bank complete the bank information and the account holder must sign below.

### To be Completed by your Bank

<b>Staple Voided Check Here</b>	Name of Bank/Institution				
	Account Holder Name(s)				
	<input type="checkbox"/> Saving <input type="checkbox"/> Checking		Account Number	Routing Number	
	Bank Representative Printed Name		Bank Representative Signature		Date
	ACCOUNT HOLDER SIGNATURE:				Date

For SCAQMD Use Only

Input By \_\_\_\_\_

Date \_\_\_\_\_