

# REVISED

BOARD MEETING DATE: December 3, 2021

AGENDA NO. 8A

**PROPOSAL:** Consider Protest of Award of Request for Proposals for Legislative Representation in Washington D.C. P 2022-01

**SYNOPSIS:** -On November 12, 2021, the Administrative Committee considered responses to a request for proposals for legislative representation in Washington D.C. The Administrative Committee noticed that the cost for one proposal, Duncan, Weinberg, Genzer & Pembroke (DWGP), was approximately twice as much as any of the other proposals and determined, on that basis, not to interview DWGP. During public comment, DWGP contended that its cost points should have been calculated differently. On November 18, 2021, DWGP filed a bid protest. This item is to consider whether to grant the bid protest prior to considering awarding contracts for Washington D.C. legislative representation.

**COMMITTEE:** No Committee Review

**RECOMMENDED ACTION:**

Consider the bid protest and take appropriate action.

Wayne Natri  
Executive Officer

BBB/lal

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**Background**

DWGP filed a bid protest pursuant to the South Coast AQMD Procurement Policy, contesting the “awards by the Administrative Committee” on the grounds that the awards were premised on “errors in calculation, or other apparent improprieties in the evaluation of proposals affecting the ranking/scoring of proposals.” Procurement Policy Section IX.B.3.b. (A copy of the protest is attached as Attachment 1). The Policy allows bid protests for contracts awarded by the Board. While the award has not been made

yet, the Administrative Committee recommended to the Board awarding contracts to three consultants, the Carmen Group, Cassidy and Associates, and Kadash and Associates. The selection of legislative consultants for Washington D.C. is on the December 3 agenda for consideration, and as such, the Board may, in its discretion, consider the merits of the protest prior to making any awards.

The protest alleges that the bid, for \$408,000, was for the entire scope of work, whereas the three consultants the committee recommended were “linked” and “the linked bidders divided the work.” The protest further alleges that “the three linked bidders, while individually bidding over \$200,000 each, in fact offered a total bid for the same scope of work [for] \$664,482.” The protest claims that since its cost is less than the combined cost of the three recommended firms, failure to recommend DWGP violated the Procurement Policy regarding preference for the lowest cost, responsive qualified bidder. The protest also alleges that the RFP was misleading because it stated that the funding would be for a maximum of \$440,000. The protest requests as a remedy “(1) correction of staff’s scoring sheet for this RFP to reflect DWGP’s bid as receiving the maximum score possible for Cost and the linked bids as receiving a zero score; and 2) an opportunity to fairly present our credentials.”

### **Proposal**

Staff recommends denying the bid protest.

The bid protest was incorrect that the bids from the three firms recommended for awards were “linked” and that the three firms would divide the scope of work. Their respective cost proposals were for the entire scope of work. There is no indication in the bids of the three firms that their bids were “linked.” Any or all of the firms awarded contracts may do any or all of work described in the scope of work or none at all. That is, while South Coast AQMD may enter into contracts with the three recommended firms, any one firm can be assigned all the work, part of the work or none at all. Moreover, the scores assigned by the evaluation panel for cost were appropriate and reasonable – 30 points for the lowest cost (Monares Group), and all others receiving points on a prorated basis. DWGP’s bid was assigned “zero” because it was more than twice the amount of the lowest bidder, so pursuant to the RFP, 100% of the possible points were subtracted. This was done in accordance with Section IX.B.4. of the RFP. (See Attachment 1 ~~The RFP is attached hereto as Attachment 2~~).

Further, the Governing Board may, in its discretion, choose to award contracts to a bidder that is not the lowest cost bidder. The Procurement Policy specifically does not provide a preference to the lowest cost bidder for contracts for consulting and professional services (such as legislative representation), unlike for contracts for construction, alteration or improvement of South Coast AQMD facilities which does provide for preference for the lowest cost bidder. (See Sections V & VIII of the Policy.) The Board may also, at its discretion, select more than one bidder and to increase the amount available, as stated in the Sections IX.G and IX. H. of the RFP.

Even if DWGP's cost of \$408,000 were compared to \$664,482, and DWGP was awarded 30 points for cost and all others receiving points on a prorated basis, the highest cost bidder would not automatically receive zero points, as alleged in the protest. Instead, it would receive proportionately fewer points depending on the percent by which its bid exceeded the lowest cost bid. (See attached staff response in Attachment 23). As shown in the attached, DWGP's score would be comparable to that of the recommended bidders, except that DWGP's technical score was substantially lower than that of the recommended bidders. And even if the lowest cost responsible bidder preference were applicable here, which it is not, the Board may still award the contract to a bidder, other than the bidder determined to be the lowest bidder, in the event the Board determines that another bidder would provide the best value to the South Coast AQMD.

Since the protest has not demonstrated an "error in calculation, or other apparent improprieties in the evaluation of proposals affecting the ranking/scoring of proposals," staff recommends the bid protest be denied. In the protest, DWGP has also requested an "opportunity to present its credentials." DWGP has the right to comment during public comment on this item as well as the item where legislative consultants are recommended for selection. The Board has discretion whether to provide DWGP with any additional opportunity to present its credentials.

### **Resource Impacts**

There are no resource impacts associated with this item.

### **Attachments**

1. Protest of Award, 11/12/21 Administrative Committee Meeting Agenda, RFP No. 2022-01, and DWGP's Response to RFP No. 2022-01 and FedEx Label and Tracking Detail
2. Staff Response to Protest and Procurement Policy Excerpts

# DWGP & P 50 YEARS

DUNCAN WEINBERG GENZER PEMBROKE

WALLACE L. DUNCAN (1937-2008)  
EDWARD WEINBERG (1918-1995)  
JEFFREY C. GENZER  
THOMAS L. RUDEBUSCH  
MICHAEL R. POSTAR  
ELI D. EILBOTT\*  
LISA S. GAST  
PETER J. SCANLON  
DEREK A. DYSON  
BHAVEETA K. MODY  
KRISTEN CONNOLLY McCULLOUGH  
ELLEN L. HILL

*Of Counsel*  
DONALD H. CLARKE  
PETER C. KISSEL\*\*  
JAMES D. PEMBROKE  
ROBERT WEINBERG

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WASHINGTON, DC 20006  
(202) 467-6370  
www.dwgp.com

*Via Federal Express*

November 15, 2021

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SACRAMENTO, CA 95814  
(916) 498-0121  
SEAN M. NEAL  
LAUREN M. PERKINS  
SYLWIA DAKOWICZ\*\*

*Senior Counsel*  
ROBERT A. LAURIE\*\*

\*REGISTERED TO PRACTICE BEFORE  
U.S. PATENT AND TRADEMARK OFFICE

\*\* NOT ADMITTED IN D. C.; SUPERVISION  
BY PRINCIPALS OF THE FIRM, MEMBERS  
OF THE DC BAR

Dean Hughbanks  
South Coast AQMD Procurement Manager  
21865 Copley Drive  
Diamond Bar, CA, 91765

Re: Protest of Award of Request for Proposals for Legislative Representation in  
Washington, D.C, P2022-01

Dear Mr. Hughbanks:

Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP"), hereby protests the November 12, 2021 awards of legislative representation services adopted by the South Coast Air Quality Management District ("SCAQMD") Administrative Committee. DWGP's Protest is submitted pursuant to Section IX of SCAQMD's Procurement Policy and Procedure ("Procurement Policy").

DWGP's Protest contests the November 12, 2021, awards by the Administrative Committee, on the grounds that the awards were premised on "errors in calculation, or other apparent improprieties in the evaluation of proposals affecting the ranking/scoring of the proposals." Procurement Policy § IX.B.3.b. Pursuant to Procurement Policy § IX.B.2 and its subparts, DWGP provides the following information in support of its protest:

**a. Name, address and telephone number of the protester or its representative:**

Jeff Genzer  
Chair and Shareholder  
Duncan, Weinberg, Genzer &  
Pembroke, P.C.

1667 K Street, N.W. Suite 700  
Washington, D.C. 20006  
(202) 467-6370

**b. The procurement action being protested**

DWGP protests the actions taken on November 12, 2021 by the SCAQMD Administrative Committee in conducting its interview of applicants, as well as subsequent awards, as to SCAQMD RFP P2022-01 for Legislative Representation in Washington, D.C, P2022-1 for the period beginning on or about January 14, 2022. DWGP timely submitted its proposal to SCAQMD before the deadline on October 5, 2021. DWGP partnered with Mr. Clinton Britt of the Grove Climate Group, LLC in submitting its proposal.

**c. Detailed description of the specific legal and factual grounds of the protest**

At the November 12, 2021 Administrative Committee meeting, despite being invited by SCAQMD staff to the meeting to present our credentials and to answer any questions, the Administrative Committee decided at the outset of taking up the agenda item that DWGP should not be interviewed because our cost was deemed too high. The chart included as part of the Administrative Committee's detailed agenda showed DWGP as receiving a "zero" score for the cost factor based upon our bid price of \$408,000. In contrast, three linked bidders, while individually bidding over \$200,000 each, in fact offered a total bid for the same work scope of \$664,482. As such, DWGP's single bid was in fact \$256,482 **LESS** than those three combined, linked bids dividing the work. Importantly, DWGP's bid was for the entire scope of work, and the linked bidders divided the scope of work. Those three, linked bidders each received approximately 25 points in the scoring sheet for Cost.<sup>1</sup>

The Procurement Policy, § IV.A.3, states that, "Subject to other provisions of this policy, a bid will be awarded to the lowest responsive, qualified bidder whose bid is in accordance with prescribed requirements and/or specifications." Additionally, Procurement Policy § IV.B.1 provides that, "Preference will be given, however, to the lowest cost responsive bidder." Given that the scoring of the relative proposals was incorrect, based on the false premise that the three, linked proposals were separate, when they were, in fact, linked, the Administrative Committee's awards violate these key provisions of the Procurement Policy. The scoring should be revised and corrected, with DWGP's bid receiving the maximum score possible for Cost and the linked bids as receiving a zero score.

In addition, the RFP itself was misleading, stating (at 1) that "Total funding for the initial year shall be up to a maximum amount of \$440,000." The RFP did not suggest additional funds available to allow a budget for legislative services equal to or greater than \$600,000, as was disclosed at the November 12 Administrative Committee meeting.

DWGP was informed by staff in advance of the Administrative Committee meeting that we would be given one minute to introduce ourselves, though the linked bidders (who obviously

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<sup>1</sup> See page 216 of the SCAQMD Extended Board Agenda from the November 12 meeting, which is attached hereto

have a long-term relationship with SCAQMD) each were given an extended period to present their credentials and also apparently had met with the Administrative Committee of the Board immediately in advance of the November 12 meeting. DWGP was ultimately allowed to speak only during the public comment period, limited to a three-minute period and was denied the opportunity to provide additional comment when requested.

During the Committee discussion, one of the Committee members lamented the fact that few bidders participated. In fact, DWGP was the only bidder not linked to the other proposals (it was disclosed during the interviews that the fourth bidder, The Monares Group, was working to affiliate with one of the other bidders). Considering this patently unfair process and the misleading scoring assessment which was never corrected during the meeting, it is no wonder that no other bidders would participate.

To be clear, Carmen Group, Cassidy & Associates, and Kadesh & Associates are fine firms with great reputations (as Mr. Genzer noted during his verbal comments), but that does not excuse the bidding process that was utilized by SCAQMD. Obviously, we would not have wasted our time on this effort if we knew the result was preordained.

**d. Copies of all (or any) documentation supporting the allegations in the protest**

DWGP attaches in support of its Protest: 1) documents included as part of Item 12 of the detailed agenda for the Administrative Committee's November 12, 2021 meeting, including the scoring sheet for the proposals; 2) RFP P2022-01; and 3) DWGP's response to the RFP.

**e. The specific relief requested**

The decision made by the Administrative Committee and the inaccurate scoring of DWGP's proposal contributed to an unfair and unjust process. Accordingly, DWGP requests: 1) correction of SCAQMD staff's scoring sheet for this RFP to reflect DWGP's bid as receiving the maximum score possible for Cost and the linked bids as receiving a zero score; and 2) an opportunity to fairly present our credentials.

**Conclusion**

SCAQMD does have an historic opportunity to access federal funds under the infrastructure bill that was just passed and the reconciliation bill that may pass, and we have been very engaged in that process. The SCAQMD does important work and provides a crucial public

service. However, SCAQMD was not well served through this bidding process. DWGP requests the SCAQMD's prompt consideration of this protest and the relief requested.

Sincerely,

  
Jeff Genzer  
Shareholder and Chair,  
Duncan, Weinberg, Genzer &  
Pembroke, P.C.



# South Coast Air Quality Management District

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

## ADMINISTRATIVE COMMITTEE MEETING HYBRID FORMAT

### Committee Members

Chair Ben Benoit, Committee Chair  
Senator (Ret.) Vanessa Delgado, Vice Chair  
Mayor Pro Tem Michael Cacciotti  
Board Member Gideon Kracov  
Supervisor Janice Rutherford

**November 12, 2021 ♦ 10:00 a.m.**

**Pursuant to Assembly Bill 361 the South Coast AQMD Administrative Committee meeting will be held at 10:00 a.m. on Friday, November 12, 2021 through a hybrid format of in-person attendance in the Dr. William A. Burke Auditorium at the South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, and/or virtual attendance via videoconferencing and by telephone.**

**Given health and safety concerns, auditorium seating availability may be limited and the meeting format may be changed to full remote via webcast. Please refer to South Coast AQMD's website for information regarding the format of the meeting, updates if the meeting is changed to a full remote via webcast format, and details on how to participate:**

<http://www.aqmd.gov/home/news-events/meeting-agencas-minutes>

**Proof of vaccination or a negative COVID test within 72 hours prior to the start of the meeting will be required for admittance into the auditorium.**

#### Proof of COVID-19 Vaccination includes:

- COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card1) which includes name of person vaccinated, type of vaccine provided and date doses administered); OR
- A photo of a vaccination card as a separate document; OR
- A photo of the vaccine card stored on a phone or electronic device; OR
- Documentation of vaccination from a healthcare provider; OR
- [Digital record](#) that includes a QR code that when scanned by a SMART Health Card reader displays to the reader: name, date of birth, vaccine dates and vaccine type

**REMINDER:** Mask wearing is required indoors during the meeting.

### **ELECTRONIC PARTICIPATION INFORMATION** **(Instructions provided at bottom of the agenda)**

**Join Zoom Webinar Meeting - from PC or Laptop**

<https://scaqmd.zoom.us/j/93760468442>

**Zoom Webinar ID:** 937 6046 8442 (applies to all)

**Teleconference Dial In**

+1 669 900 6833

**One tap mobile**

+16699006833,93760468442#

**Audience will be able to provide public comment in person or through Zoom connection or telephone.  
PUBLIC COMMENT WILL STILL BE TAKEN**

## AGENDA

*Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54954.3(a)). If you wish to speak, raise your hand on Zoom or press Star 9 if participating by telephone. All agendas for regular meetings are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.*

### **CALL TO ORDER**

#### **- Roll Call**

### **DISCUSSION ITEMS – Items 1 through 10:**

1. Board Members' Concerns (***No Motion Required***)  
*Any member of the Governing Board, on his or her own initiative may raise a concern to the Administrative Committee regarding any South Coast AQMD items or activities.* Chair Ben Benoit  
Committee Chair
2. Chair's Report of Approved Travel (***No Motion Required***) Chair Benoit
3. Report of Approved Out-of-Country Travel (***No Motion Required***) Wayne Nastri  
Executive Officer
4. Review December 3, 2021 Governing Board Agenda Wayne Nastri pgs. 6-17
5. Approval of Compensation for Board Member Assistant(s)/  
Consultant(s) (Any material, if submitted, will be distributed at the  
meeting.) (***Motion Requested if Proposal Made***) Chair Benoit
6. Update on South Coast AQMD Inclusion, Diversity and Equity  
Efforts (***No Motion Required***)  
*Staff will provide an update on current and future efforts for our internal  
processes and programs.* Dr. Cessa Heard-Johnson  
Diversity, Equity and  
Inclusion Officer pgs. 18-26
7. Budget and Economic Outlook Update (***No Motion Required***)  
*Staff will provide an update on economic indicators and key South Coast  
AQMD metrics.* Jill Whynot  
Chief Operating Officer
8. Status Report on Major Ongoing and Upcoming Projects for  
Information Management (***No Motion Required***)  
*Information Management is responsible for data systems management  
services in support of all South Coast AQMD operations. This action is to  
provide the monthly status report on major automation contracts and  
planned projects.* Ron Moskowitz pgs. 27-34  
Chief Information Officer,  
Information Management
9. Annual Audited Financial Statements for FY Ended June 30, 2021  
(***No Motion Required***)  
*This item transmits the annual audited financial statements of the South  
Coast AQMD. The South Coast AQMD has received an unmodified  
opinion (the highest obtainable) on its financial statements.* Sujata Jain pgs. 35-198  
Chief Financial Officer,  
Finance

10. South Coast AQMD's FY 2021-22 First Quarter ended September 30, 2021 Budget vs. Actual (Unaudited) **(No Motion Required)**  
*Staff will provide a comparison of budget vs. actual results for revenues and expenditures for the fourth quarter which ended September 30, 2021.*
- Sujata Jain pgs. 199-205

**ACTION ITEMS – Items 11 through 16:**

**DECEMBER ITEMS**

11. Recognize Revenue, Transfer and Appropriate Funds, Amend Contract, Issue Solicitations and Purchase Orders for Air Monitoring Equipment and One Vehicle **(Motion Requested)**  
*South Coast AQMD is expected to receive up to \$794,261 from U.S. EPA for the FY 2022 (30th Year) PAMS Program. These actions are to recognize revenue and appropriate funds when they become available in Science & Technology Advancement's FY 2021-22 and/or FY 2022-23 budgets for the PAMS Program, transfer and appropriate funds for the remaining balances of the PAMS Program, amend contract for technical support, issue solicitations and execute purchase orders for air monitoring equipment and one vehicle.*
- Dr. Jason Low pgs. 206-212  
ADEO, Science & Technology Advancement
12. Interview Firms and Recommend Execution of Contract(s) for Legislative Representation in Washington, D.C. **(Motion Requested)**  
*In September 2021, the Board approved the release of an RFP to solicit proposals for legislative representation in Washington, D.C. The Administrative committee will interview firms and make recommendations to the Board regarding a contract(s) for the agency's legislative representation. This action is to authorize the Chairman to execute contracts with [Contractor(s)] for [amount] legislative consulting services in Washington, D.C. for one year beginning on January 15, 2022, with an option for up to two one-year renewals, upon satisfactory performance, at the Board's discretion.*
- Derrick J. Alatorre pgs. 213-216  
DEO, Legislative, Public Affairs & Media
13. Recommend Approval of New Member for South Coast Young Leaders Advisory Council (YLAC) **(Motion Requested)**  
*Board Member Gideon Kracov recommends approval to add one new member, Jack Symington, to the Young Leaders Advisory Council.*
- Derrick J. Alatorre pgs. 217-218
14. Transfer and Appropriate Funds from Two Special Revenue Funds to the General Fund for Information Management and Compliance and Enforcement Projects and Purchases to Support South Coast AQMD Operations and Close Two Special Revenue Funds **(Motion Requested)**  
*The Board has established several Special Revenue Funds for a variety of purposes. Staff is recommending a transfer of \$508,900, and any additional interest earned, to the General Fund from the remaining balances in the Dry Cleaners Financial Incentive Grant and BP/SCAQMD Public Benefits Oversight Funds and the closure of these two Special Revenue Funds. The remaining balances would be used to purchase a toxic vapor analyzer, support the phone system upgrade and information management projects that will provide an electronic and mailing notice preferences capture system, and update the Agenda Tracking System.*
- Sujata Jain pgs. 219-222

BOARD MEETING DATE: December 3, 2021

AGENDA NO.

PROPOSAL: Execute Contracts for Legislative Representation in Washington, D.C.

SYNOPSIS: In September 2021, the Board approved the release of an RFP to solicit proposals for legislative representation in Washington, D.C. The Administrative committee will interview firms and make recommendations to the Board regarding a contract(s) for the agency's legislative representation. This action is to authorize the Chairman to execute contracts with [Contractor(s)] for [amount] legislative consulting services in Washington, D.C. for one year beginning on January 15, 2022, with an option for up to two one-year renewals, upon satisfactory performance, at the Board's discretion.

COMMITTEE: Administrative, November 12, 2021; Recommended for Approval

RECOMMENDED ACTIONS:

1. Authorize the Chairman to execute contracts with XYZ for \$XXX,XXX XYZ for \$XXX,XXX, and XYZ for \$XXX,XXX for legislative consulting services in Washington, D.C. for one year beginning on January 15, 2022, with an option for up to two one-year renewals, upon satisfactory performance, at the Board's discretion.

Wayne Nastri  
Executive Officer

DJA:LTO:RAR:AR

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**Background**

The current contracts for legislative representation in Washington, D.C. expire on January 15, 2022. Following Board approval on September 3, 2021, staff released RFP #P2022-01 to solicit proposals for legislative representation in Washington, D.C.

As one of the largest air quality regulatory agencies in the United States and a leader in

air quality innovation, South Coast AQMD is an important contributor to national policymaking discussions relevant to air quality related issues. Representation in Washington, D.C. ensures that the agency's input and policy priorities are conveyed in a timely and effective manner during the federal legislative and policy-setting process.

It is critical that South Coast AQMD be involved in policy development relating to federal air quality legislation, federal Clean Air Act implementation, subvention funding, special grants, and that all these issues and any other related matters are closely monitored. Therefore, staff recommends continued direct representation and advocacy of South Coast AQMD's policy positions on environmental issues in Washington, D.C.

### **Outreach**

In accordance with South Coast AQMD's Procurement Policy and Procedure, a public notice advertising the RFP and inviting bids was published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, the Riverside County Press Enterprise, and The Hill newspapers to leverage the most cost-effective method of outreach to qualified firms providing federal legislative representation services.

Additionally, to notify as many potential bidders as possible, approximately 20 RFP notification letters were emailed to lobbying and public affairs firms in the Washington, D.C. area. Notice of the RFP was also emailed to 13 state and federal legislative caucuses and diverse chambers of commerce and business associations and placed on the internet at South Coast AQMD's website (<http://www.aqmd.gov>) where it can be viewed by making the selection "Grants & Bids."

### **Bid Evaluation**

Five proposals were received in response to the RFP. The proposals were evaluated and scored by a three-member evaluation panel (see Panel Composition section). All five proposals were considered technically qualified and forwarded to the Administrative Committee for consideration. The attached matrix presents the scores and total proposal costs for the firms interviewed by the Administrative Committee.

### **Panel Composition**

The evaluation panel consisted of one South Coast AQMD Assistant Deputy Executive Officer, one South Coast AQMD Public Affairs Manager, and the Director of Legislative and Public Affairs from San Bernardino County Transportation Authority. Of the three panelists, one is Asian American, one is Hispanic, and one is African American; one is female and two are male.

### **Committee Recommendations**

After interviewing the five firms, and reviewing written materials submitted as part of the proposals, the Administrative Committee recommends to the Board the selection of

the following firms: XYZ, XYZ, and XYZ.

**Resource Impacts**

The funding for the first year is available in the Legislative & Public Affairs FY 2021-22 Budget. Funding for the two optional one-year extensions is contingent upon Board approval for the respective fiscal years.



**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**  
**REQUEST FOR PROPOSALS**  
**FOR LEGISLATIVE REPRESENTATION IN WASHINGTON, D.C.**

P2022-01

South Coast Air Quality Management District (South Coast AQMD) requests proposals for the following purpose according to terms and conditions attached. In the preparation of this Request for Proposals (RFP) the words "Proposer," "Contractor," "Consultant," "Bidder" and "Firm" are used interchangeably.

**PURPOSE**

South Coast AQMD requires representation in Washington, D.C. to ensure that South Coast AQMD's input and policy priorities are conveyed in a timely and effective manner during the federal legislative and policy-setting process. It is critical that South Coast AQMD be involved in policy development relating to federal air quality legislation, federal Clean Air Act implementation, subvention funding and special grants, and other related issues, and that all these issues are closely monitored.

The purpose of this Request for Proposals (RFP) is to contract with outside representative(s) knowledgeable in air quality-related issues to provide assistance with and representation of South Coast AQMD policy positions and funding needs before the Congress, the White House and federal agencies. Consultant(s) shall be paid on a monthly basis for services rendered at an agreed upon Flat Monthly Fee and actual costs incurred for out-of-pocket expenses. The current South Coast AQMD contracts for legislative representation in Washington, D.C. expire on January 14, 2022.

The selected firm(s) will be expected to provide a variety of services, to be outlined in the work statement, and consistent with South Coast AQMD Governing Board direction. Total funding for the initial year shall be up to a maximum amount of \$440,000. The contract(s) may include an option for two annual renewals, contingent on satisfactory performance and approval of subsequent budgets, at the South Coast AQMD Board's discretion.

**INDEX - The following are contained in this RFP:**

Section I	Background/Information
Section II	Contact Person
Section III	Schedule of Events
Section IV	Participation in the Procurement Process
Section V	Statement of Work/Schedule of Deliverables
Section VI	Required Qualifications
Section VII	Proposal Submittal Requirements
Section VIII	Proposal Submission
Section IX	Proposal Evaluation/Contractor Selection Criteria
Section X	Funding
Section XI	Sample Contract

Attachment A - Participation in the Procurement Process  
Attachment B - Certifications and Representations

## **SECTION I: BACKGROUND/INFORMATION**

From time to time, South Coast AQMD requires the assistance of outside counsel having special expertise and experience as one of the largest air quality regulatory agencies in the United States and a leader in air quality innovations, South Coast AQMD is an important contributor to the national policymaking discussions relevant to air quality related issues. Given the fluid activity in Congress, the Administration and within federal agencies on air quality matters, our mandates to achieve National Ambient Air Quality Standards, and the large portion of federally regulated sources of pollution that challenge our ability to achieve attainment in the South Coast region, it is imperative that South Coast AQMD maintain a strong presence in Washington, D.C. Thus, South Coast AQMD seeks a contractual agreement with consultant(s) to support the South Coast AQMD Governing Board's Federal Legislative goals and objectives for 2022 in Washington D.C., in accordance with the requirements of this RFP.

Much of the 2022 South Coast AQMD legislative goals and objectives in Washington, D.C. will depend on the outcome of the 2021 legislative session. However, many of the prior years' program elements are expected to continue and be built upon in the coming session in Washington, D.C. This ongoing presence at the federal level is essential for the achievement of meaningful progress. The 2022 South Coast AQMD legislative goals and objectives in Washington, D.C. will be focused on policy and funding, especially for mobile sources impacting the South Coast region. The federal representatives will be required to engage with the Administration, Congress, industry, environment and health organizations and other stakeholders. The 2022 legislative priorities will likely include the following:

### ***Air Quality Funding (Authorization of Program and Policies and Appropriations of Funds)***

Seek adequate funding levels for air quality issues through existing and new opportunities to enable the South Coast Air Basin to reach attainment of NAAQS, including supportive agency functions such as monitoring, compliance, and enforcement, permitting, outreach and other essential activities. Support key programs such as, but not limited to, Targeted Airshed Grants, the Diesel Emissions Reduction Act, Subvention Funds from Clean Air Act Section 103/105, Energy Efficiency & Renewable Energy grants, and other programs including emergencies such as wildfires.

### ***Federal Support -- Clean Air Act, NAAQS and State Implementation Plan (SIP)***

Work to ensure the federal government does its fair share to reduce air pollution with the South Coast region by providing funding and administrative support. Support policies, legislation and/or administrative efforts to:

- Provide federal incentive funding, policies, and require regulatory actions sufficient to, in combination with state and local actions, attain the national ambient air quality standards for ozone by 2023 and 2031 in the South Coast Air Basin, and if standards are not attained due to lack of federal actions, provide that the Basin is not punished by sanctions, fees or other penalty for failure to timely attain;
- Provide and protect state and local regulatory authority adequate for nonattainment areas to attain NAAQS for upcoming federal deadlines, and in particular, the South Coast AQMD to implement Air Quality Management Plans (AQMP) and attain federal ozone and particulate matter standards; and,
- Protect science-driven and health-based determinations of NAAQS, and efforts to streamline and provide flexible implementation of SIP requirements, as needed, to ensure feasibility of attainment.

### ***Technology Advancement***

Expand funding opportunities, policies and federal tax incentives for advanced clean technology research, development, demonstration, and deployment programs, including those related to:

- Clean vehicles (such as heavy-, medium-, and light-duty vehicles, locomotives, marine vessels, and aircraft technologies);
- Zero and near-zero emission technologies;
- Clean fuels and refueling/recharging technologies and infrastructure;
- Technologies, systems and/or processes which reduce ambient concentrations of air pollutants and/or toxic air emissions;
- Establishing programs or policies that incentivize the federal government to purchase and use advanced clean, zero and near-zero emission technologies;
- Incentivizing individuals, businesses, states, and local governments to purchase and use advanced clean, zero and near-zero emission technologies; and,
- Renewable energy and alternative energy, energy storage and microgrids and other programs, especially as related to electric and hydrogen infrastructure for transportation and emissions reductions from sources such as back-up generators.

### ***Surface Transportation & Goods Movement***

Pursue the adoption of legislation and/or policies which will reduce or eliminate air quality impacts from mobile sources with an emphasis on the goods movement sector (for both medium-duty and heavy-duty vehicles), as well as off-road vehicles (such as agricultural vehicles, cargo handling equipment, freight handling equipment, and construction equipment).

### ***Marine Vessels***

Pursue legislative and/or administrative policies that will further reduce marine vessel emissions and will ensure, through regulatory and/or incentive-based policies that the cleanest vessels come to U.S. ports.

### ***Locomotives***

Pursue efforts to reduce locomotive emissions, through regulatory and/or incentive-based policies.

### ***Reduction of Toxic Emissions***

Pursue efforts through legislative and administrative programs, to reduce toxic emissions, and the public's exposure to toxic emissions, within the South Coast region.

### ***Environmental Justice***

Support legislation which promotes environmental justice initiatives that will reduce localized health risks, develop clean air technologies that directly benefit disproportionately impacted communities, and enhance community participation in decision-making.

### ***COVID-19 and Economic Stimulus***

Seek legislative and administrative relief to assist with the impacts of COVID-19 including, but not limited to, unplanned expenses and loss of revenues. Pursue funding for economic stimulus efforts to assist South Coast AQMD meet NAAQS and to promote green technologies that mitigate and/or reduce air pollution and create jobs.

### ***Climate Change***

Seek to influence climate change initiatives and facilitate their implementation at local levels, including funding, to promote co-benefits with NAAQS and air toxics reduction, consistent with the Board's policy.

### ***Business/Jobs***

Support legislation, policies or administrative actions that support and assist the regulated community to comply with rules and regulations in the most efficient and cost-effective manner that protects and encourages job retention and creation, and promotes economic growth, while working toward attainment of clean air standards.

The 2022 legislative priorities for South Coast AQMD will be further refined and presented to the Board's Legislative Committee and the full Board for approval later in the year, as determined by the course of events in 2021.

## **SECTION II: CONTACT PERSON:**

Questions regarding the content or intent of this RFP or on procedural matters should be addressed to:

**Ricardo A. Rivera, Legislative, Public Affairs & Media**  
 South Coast AQMD  
 21865 Copley Drive  
 Diamond Bar, CA 91765-4178  
 (909) 396-3069

## **SECTION III: SCHEDULE OF EVENTS**

<b>Date</b>	<b>Event</b>
September 3, 2021	RFP Released
October 5, 2021	Proposals Due to South Coast AQMD - <b>No Later Than 1:00 pm</b>
October 5-October 12, 2021	Proposal Evaluations
November 12, 2021	Interviews, if required
December 3, 2021	Governing Board Approval
December 10, 2021	Anticipated Contract Execution

## **SECTION IV: PARTICIPATION IN THE PROCUREMENT PROCESS**

It is the policy of South Coast AQMD to ensure that all businesses including minority business enterprises, women business enterprises, disabled veteran business enterprises and small businesses have a fair and equitable opportunity to compete for and participate in South Coast AQMD contracts. Attachment A to this RFP contains definitions and further information.

## **SECTION V: STATEMENT OF WORK/SCHEDULE OF DELIVERABLES**

### Statement of Work

Under the direction of the South Coast AQMD Executive Officer or Deputy Executive Officer of Legislative & Public Affairs, and, as appropriate, in coordination with South Coast AQMD's staff, the Consultant(s) will gather information, provide advice and assistance, and/or advocate positions on legislative/regulatory matters in Washington, D.C., on behalf of South Coast AQMD as it directly pertains to air quality-related issues, energy and climate issues, transportation issues, the federal Clean Air Act, and related issues.

The selected Consultant(s) will perform services on legislative/regulatory matters, including but not necessarily limited to the following:

1. Preparation of a strategic plan for the upcoming legislative year by no later than January 31, 2022, to ensure maximizing South Coast AQMD Board and staff participation and involvement, with an emphasis on increasing federal air quality program funding for the South Coast Air Basin; protecting the legal authorities of South Coast AQMD; promoting South Coast AQMD federal policy priorities, and reducing emissions from federally-controlled mobile sources;
2. Securing the support of South Coast AQMD's mission and positions by the decision-makers in the legislative and administrative bodies of the United States government;
3. Advising South Coast AQMD on federal issues as requested or as deemed necessary;
4. Advocating positions as directed by South Coast AQMD, on all identified and/or drafted legislation and administrative and other policy proposals; providing testimony at committee and other special hearings; and providing written communications to legislators, key administrative officials, and other staff regarding such legislation;
5. Assisting in the development of South Coast AQMD positions on identified air quality-related federal legislative proposals;
6. Producing materials destined for strategic distribution or inclusion in South Coast AQMD legislative committee/Board proceedings;
7. Reviewing and providing editorial and technical revisions and quality control for legislative materials destined for distribution or inclusion in South Coast AQMD legislative committee/Board proceedings;
8. Aiding South Coast AQMD in making appropriate contact(s) as the Agency participates directly in federal legislative negotiations, including securing additional federal funds for South Coast AQMD's clean air programs and activities;
9. Advising/assisting South Coast AQMD in presentation of requests to U.S. EPA or other federal agencies on policy matters impacting South Coast AQMD operations or its ability to meet the federal clean air standards;
10. Coordination of meetings for South Coast AQMD Board members and their executive or legislative staff with federal legislators and/or officials, as well as gathering proper briefing materials for each meeting;
11. Attending and participating in meetings exclusively on behalf of South Coast AQMD with legislative representatives and administration members and appointees;
12. Assisting with the development of a national stakeholder network and/or coalition to help facilitate national support for South Coast AQMD policy and funding priorities; and
13. Assisting with coordination, as needed, with any South Coast AQMD conferences, forums, symposia, meetings and/or briefings that are held in Washington, D.C. or otherwise related to federal issues.

#### Schedule of Deliverables

1. A written strategic and tactical implementation plan for 2022;

2. Written and/or oral communications to South Coast AQMD, in a timely manner, on federal legislation or policy matters having a potential to affect South Coast AQMD objectives;
3. Written analyses on federal legislation having a potential to affect air quality objectives;
4. Oral and/or written reports on federal legislative/policy meetings attended or monitored on behalf of South Coast AQMD;
5. Oral and/or written briefings to the South Coast AQMD Legislative Committee and/or Governing Board on federal legislation or policy, as determined by South Coast AQMD. These briefings may take place in person, by teleconference, or in writing;
6. Oral and/or written recommendations regarding South Coast AQMD positions on, and strategies for, federal air quality-related legislation or policies within 14 days of a request by South Coast AQMD;
7. Oral and/or written recommendations regarding ways to increase federal appropriations or other funding opportunities for clean air efforts in the Southern California region;
8. Written communications to legislators and key administrative officials conveying South Coast AQMD positions on various bills and administrative actions;
9. Preparing and presenting testimony before Congressional committees and/or federal agency hearings;
10. Attending and participating in meetings exclusively on behalf of South Coast AQMD with legislative representatives and administration members and appointees;
11. Negotiating bill language, policies or other federal agency provisions related to environmental, transportation or air quality issues;
12. A monthly written briefing covering pertinent administrative/legislative activities;
13. Written quarterly reports, a year-end report, and a year-end presentation delineating and summarizing relevant administrative and legislative actions;
14. An original signed confidentiality agreement; and
15. Maintaining records from which the correctness of all written records and filings can be verified. These records are to be open to inspection by South Coast AQMD or its representatives during normal business hours.

## **SECTION VI: REQUIRED QUALIFICATIONS**

- A. Persons or firms proposing to bid on this proposal must be qualified and experienced in representing and advising governmental agencies and must submit qualifications demonstrating this ability in cases involving as many as possible of the following areas:
  1. Political and legislative analysis of the federal Clean Air Act;

2. Preparing policy positions on environmental and air quality issues;
3. Legislative monitoring and bill tracking;
4. Congressional appropriations process;
5. Preparing and presenting testimony before Congressional committees and/or federal agency hearings;
6. Negotiating bill language, policies or other federal agency provisions related to environmental, transportation, energy or air quality issues;
7. Ability to work proactively and productively with all political affiliations and points of view; and
8. Demonstrated ability in successfully seeking and securing funding for represented clients.

B. Proposer must submit the following:

1. Resumes or similar statement of qualifications of person or persons who may be designated as lead Consultant for South Coast AQMD projects.
2. List of representative clients.
3. Summary of proposer's general qualifications to meet required qualifications and fulfill statement of work, including additional Firm personnel and resources beyond those of the designated lead Consultant.

## **SECTION VII: PROPOSAL SUBMITTAL REQUIREMENTS**

Submitted proposals must follow the format outlined below and all requested information must be supplied. Failure to submit proposals in the required format will result in elimination from proposal evaluation. South Coast AQMD may modify the RFP or issue supplementary information or guidelines during the proposal preparation period prior to the due date. Please check our website for updates (<http://www.aqmd.gov/grants-bids>). The cost for developing the proposal is the responsibility of the Contractor, and shall not be chargeable to South Coast AQMD.

Each proposal must be submitted in three separate volumes:

- Volume I - Technical Proposal
- Volume II - Cost Proposal
- Volume III - Certifications and Representations included in Attachment B to this RFP, must be completed and executed by an authorized official of the Contractor.

A separate cover letter including the name, address, and telephone number of the contractor, and signed by the person or persons authorized to represent the Firm should accompany the proposal submission. Firm contact information as follows should also be included in the cover letter:

1. Address and telephone number of office in, or nearest to, Diamond Bar, California.
2. Name and title of Firm's representative designated as contact.

A separate Table of Contents should be provided for Volumes I and II.

## **VOLUME I - TECHNICAL PROPOSAL**

### **DO NOT INCLUDE ANY COST INFORMATION IN THE TECHNICAL VOLUME**

Summary (Section A) - State overall approach to meeting the objectives and satisfying the scope of work to be performed, the sequence of activities, and a description of methodology or techniques to be used.

Program Schedule (Section B) - Provide projected milestones or benchmarks for completing the project (to include reports) within the total time allowed.

Project Organization (Section C) - Describe the proposed management structure, program monitoring procedures, and organization of the proposed team. Provide a statement detailing your approach to the project, specifically address the Firm's ability and willingness to commit and maintain staffing to successfully complete the project on the proposed schedule.

Qualifications (Section D) - Describe the technical capabilities of the Firm. Provide references of other similar studies or projects performed during the last five years demonstrating ability to successfully complete the work. Include contact name, title, and telephone number for any references listed. Provide a statement of your Firm's background and related experience in performing similar services for other governmental organizations.

Assigned Personnel (Section E) - Provide the following information about the staff to be assigned to this project:

1. List all key personnel assigned to the project by level, name and location. Provide a resume or similar statement describing the background, qualifications and experience of the lead person and all persons assigned to the project. Substitution of project manager or lead personnel will not be permitted without prior written approval of South Coast AQMD.
2. Provide a spreadsheet of the labor hours proposed for each labor category at the task level.
3. Provide a statement indicating whether or not 90% of the work will be performed within the geographical boundaries of South Coast AQMD.
4. Provide a statement of education and training programs provided to, or required of, the staff identified for participation in the project, particularly with reference to management consulting, governmental practices and procedures, and technical matters.
5. Provide a summary of your Firm's general qualifications to meet required qualifications and fulfill statement of work, including additional Firm personnel and resources beyond those who may be assigned to the project.

Subcontractors (Section F) - This project may require expertise in multiple technical areas. List any subcontractors that will be used, identifying functions to be performed by them, their related

qualifications and experience and the total number of hours or percentage of time they will spend on the project.

Conflict of Interest (Section G) - Address possible conflicts of interest with other clients affected by actions performed by the Firm on behalf of South Coast AQMD. South Coast AQMD recognizes that prospective Contractors may be performing similar projects for other clients. Include a complete list of such clients for the past three (3) years with the type of work performed and the total number of years performing such tasks for each client. Although the Proposer will not be automatically disqualified by reason of work performed for such clients, South Coast AQMD reserves the right to consider the nature and extent of such work in evaluating the proposal.

Additional Data (Section H) - Provide other essential data that may assist in the evaluation of this proposal.

## **VOLUME II - COST PROPOSAL**

Name and Address - The Cost Proposal must list the name and complete address of the Proposer in the upper left-hand corner.

Cost Proposal – South Coast AQMD anticipates awarding a fixed price contract. Cost information must be provided as listed below:

1. Detail must be provided by the following categories:
  - A. Labor – The Cost Proposal must list the fully-burdened hourly rates and the total number of hours estimated for each level of professional and administrative staff to be used to perform the tasks required by this RFP. Costs should be estimated for each of the components of the work plan.
  - B. Subcontractor Costs - List subcontractor costs and identify subcontractors by name. Itemize subcontractor charges per hour or per day.
  - C. Travel Costs - Indicate amount of travel cost and basis of estimate to include trip destination, purpose of trip, length of trip, airline fare or mileage expense, per diem costs, lodging and car rental.
  - D. Other Direct Costs -This category may include such items as postage and mailing expense, printing and reproduction costs, etc. Provide a basis of estimate for these costs.
2. It is the policy of the South Coast AQMD to receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services. South Coast AQMD will give preference, where appropriate, to vendors who certify that they will provide “most favored customer” status to the South Coast AQMD. To receive preference points, Proposer shall certify that South Coast AQMD is receiving “most favored customer” pricing in the Business Status Certifications page of Volume III, Attachment B – Certifications and Representations.

## **VOLUME III - CERTIFICATIONS AND REPRESENTATIONS** (see Attachment B to this RFP)

### **SECTION VIII: PROPOSAL SUBMISSION**

All proposals must be submitted according to specifications set forth in the section above, and this section. Failure to adhere to these specifications may be cause for rejection of the proposal.

Signature - All proposals must be signed by an authorized representative of the Proposer.

Due Date - **All proposals are due no later than 1:00 p.m., October 5, 2021, and should be directed to:**

Procurement Unit  
 South Coast Air Quality Management District  
 21865 Copley Drive  
 Diamond Bar, CA 91765-4178  
 (909) 396-3520

Submittal - Submit eight (8) complete copies of the proposal in a sealed envelope, plainly marked in the upper left-hand corner with the name and address of the Proposer and the words "Request for Proposals P2022-01."

**Late bids/proposals will not be accepted under any circumstances.**

Grounds for Rejection - A proposal may be immediately rejected if:

- It is not prepared in the format described, or
- It is signed by an individual not authorized to represent the Firm.

Modification or Withdrawal - Once submitted, proposals cannot be altered without the prior written consent of South Coast AQMD. All proposals shall constitute firm offers and may not be withdrawn for a period of ninety (90) days following the last day to accept proposals.

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

- A. Proposals will be evaluated by a panel of three to five South Coast AQMD staff members familiar with the subject matter of the project. The panel shall be appointed by the Executive Officer or his designee. In addition, the evaluation panel may include such outside public sector or academic community expertise as deemed desirable by the Executive Officer. The panel will make a recommendation to the Executive Officer and/or the Governing Board of South Coast AQMD for final selection of a contractor and negotiation of a contract.
- B. Each member of the evaluation panel shall be accorded equal weight in his or her rating of proposals. The evaluation panel members shall evaluate the proposals according to the specified criteria and numerical weightings set forth below.

1. Proposal Evaluation Criteria

(a) R&D Projects Requiring Technical or Scientific

Expertise, or Special Projects Requiring Unique Knowledge or Abilities

Understanding the Problem

20

Technical/Management Approach	20
Contractor Qualifications	20
Previous Experience on Similar Projects	10
Cost	<u>30</u>
TOTAL	100

**(b) Additional Points**

Small Business or Small Business Joint Venture	10
DVBE or DVBE Joint Venture	10
Use of DVBE or Small Business Subcontractors	7
Zero or Near-Zero Emission Vehicle Business	5
Local Business (Non-Federally Funded Projects Only)	5
Off-Peak Hours Delivery Business	2
Most Favored Customer	2

**The cumulative points awarded for small business, DVBE, use of small business or DVBE subcontractors, Zero or Near-Zero emission vehicle business, local business, and off-peak hours delivery business shall not exceed 15 points. Most Favored Customer status incentive points shall be added, as applicable for a total of 17 points.**

**Self-Certification for Additional Points**

**The award of these additional points shall be contingent upon Proposer completing the Self-Certification section of Attachment B – Certifications and Representations and/or inclusion of a statement in the proposal self-certifying that Proposer qualifies for additional points as detailed above.**

2. To receive additional points in the evaluation process for the categories of Small Business or Small Business Joint Venture, DVBE or DVBE Joint Venture or Local Business (for non-federally funded projects), the proposer must submit a self-certification at the time of proposal submission certifying that the proposer meets the requirements set forth in Attachments A and B. To receive points for the use of DVBE and/or Small Business subcontractors, at least 25 percent of the total contract value must be subcontracted to DVBEs and/or Small Businesses. To receive points as a Zero or Near-Zero Emission Vehicle Business, the proposer must demonstrate to the Executive Officer, or designee, that supplies and materials delivered to South Coast AQMD are delivered in vehicles that operate on clean-fuels. To receive points as a Local Business, the proposer must affirm that it has an ongoing business within the South Coast AQMD at the time of bid/proposal submittal and that 90% of the work related to the contract will be performed within the South Coast AQMD. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points. Federally funded projects are not eligible for local business incentive points. To receive points as an Off-Peak

Hours Delivery Business, the proposer must submit, at proposal submission, certification of its commitment to delivering supplies and materials to South Coast AQMD between the hours of 10:00 a.m. and 3:00 p.m. To receive points for Most Favored Customer status, the proposer must submit, at proposal submission, certification of its commitment to provide most favored customer status to the South Coast AQMD. The cumulative points awarded for Small Business, DVBE, use of Small Business or DVBE Subcontractors, Local Business, Zero or Near-Zero Emission Vehicle Business, Off-Peak Hour Delivery Business and Most Favored Customer shall not exceed 17 points.

3. For procurement of Research and Development (R & D) projects or projects requiring technical or scientific expertise or special projects requiring unique knowledge and abilities, technical factors including past experience shall be weighted at 70 points and cost shall be weighted at 30 points. A proposal must receive at least 56 out of 70 points on R & D projects and projects requiring technical or scientific expertise or special projects requiring unique knowledge and abilities, in order to be deemed qualified for award.
  4. The lowest cost proposal will be awarded the maximum cost points available and all other cost proposals will receive points on a prorated basis. For example if the lowest cost proposal is \$1,000 and the maximum points available are 30 points, this proposal would receive the full 30 points. If the next lowest cost proposal is \$1,100 it would receive 27 points reflecting the fact that it is 10% higher than the lowest cost (90% of 30 points = 27 points).
- C. During the selection process the evaluation panel may wish to interview some proposers for clarification purposes only. No new material will be permitted at this time. Additional information provided during the bid review process is limited to clarification by the Proposer of information presented in his/her proposal, upon request by South Coast AQMD.
- D. The Executive Officer or Governing Board may award the contract to a Proposer other than the Proposer receiving the highest rating in the event the Governing Board determines that another Proposer from among those technically qualified would provide the best value to South Coast AQMD considering cost and technical factors. The determination shall be based solely on the Evaluation Criteria contained in the Request for Proposal (RFP), on evidence provided in the proposal and on any other evidence provided during the bid review process.
- E. Selection will be made based on the above-described criteria and rating factors. The selection will be made by and is subject to Executive Officer or Governing Board approval. Proposers may be notified of the results by letter.
- F. The Governing Board has approved a Bid Protest Procedure which provides a process for a Bidder or prospective Bidder to submit a written protest to South Coast AQMD Procurement Manager in recognition of two types of protests: Protest Regarding Solicitation and Protest Regarding Award of a Contract. Copies of the Bid Protest Policy can be secured through a request to South Coast AQMD Procurement Department.
- G. The Executive Officer or Governing Board may award contracts to more than one proposer if in (his or their) sole judgment the purposes of the (contract or award) would best be served by selecting multiple proposers.

- H. If additional funds become available, the Executive Officer or Governing Board may increase the amount awarded. The Executive Officer or Governing Board may also select additional proposers for a grant or contract if additional funds become available.
- I. Disposition of Proposals – Pursuant to South Coast AQMD’s Procurement Policy and Procedure, South Coast AQMD reserves the right to reject any or all proposals. All proposals become the property of South Coast AQMD, and are subject to the California Public Records Act. One copy of the proposal shall be retained for South Coast AQMD files. Additional copies and materials will be returned only if requested and at the proposer's expense.
- J. If proposal submittal is for a Public Works project as defined by State of California Labor Code Section 1720, Proposer is required to include Contractor Registration No. in Attachment B. Proposal submittal will be deemed as non-responsive and Bidder may be disqualified if Contractor Registration No. is not included in Attachment B. Proposer is alerted to changes to California Prevailing Wage compliance requirements as defined in Senate Bill 854 (Stat. 2014, Chapter 28), and California Labor Code Sections 1770, 1771, 1725, 1777, 1813 and 1815.**

#### **SECTION X: FUNDING**

The total funding for the work contemplated by this RFP will be a maximum **\$440,000** for the base year with an option to renew the contract for two additional one-year terms. The funding for the base year is available in the Legislative & Public Affairs FY 2021-22 budget. Funding for the two optional one-year extensions is contingent upon performance and Board approval of the budget for the respective fiscal years.

#### **SECTION XI: SAMPLE CONTRACT**

A sample contract to carry out the work described in this RFP is available on South Coast AQMD’s website at <http://www.aqmd.gov/grants-bids> or upon request from the RFP Contact Person (Section II).

## ATTACHMENT A

### PARTICIPATION IN THE PROCUREMENT PROCESS

A. It is the policy of South Coast Air Quality Management District (South Coast AQMD) to ensure that all businesses including minority business enterprises, women business enterprises, disabled veteran business enterprises and small businesses have a fair and equitable opportunity to compete for and participate in South Coast AQMD contracts.

B. Definitions:

The definition of minority, women or disadvantaged business enterprises set forth below is included for purposes of determining compliance with the affirmative steps requirement described in Paragraph G below on procurements funded in whole or in part with federal grant funds which involve the use of subcontractors. The definition provided for disabled veteran business enterprise, local business, small business enterprise, Zero or Near-Zero emission vehicle business and off-peak hours delivery business are provided for purposes of determining eligibility for point or cost considerations in the evaluation process.

1. "Women business enterprise" (WBE) as used in this policy means a business enterprise that meets all of the following criteria:
  - a. a business that 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.
  - b. a business whose management and daily business operations are controlled by one or more women.
  - c. a business which is a sole proprietorship, corporation, or partnership 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-based business.
2. "Disabled veteran" as used in this policy is a United States military, naval, or air service veteran with at least 10 percent service-connected disability who is a resident of California.
3. "Disabled veteran business enterprise" (DVBE) as used in this policy means a business enterprise that meets all of the following criteria:
  - a. is a sole proprietorship or partnership of which at least 51 percent is owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its 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.
- b. 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.
  - c. is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm, or other foreign-based business.
4. "Local business" as used in this policy means a company that has an ongoing business within geographical boundaries of South Coast AQMD at the time of bid or proposal submittal and performs 90% of the work related to the contract within the geographical boundaries of South Coast AQMD and satisfies the requirements of subparagraph H below. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points.
  5. "Small business" as used in this policy 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 and 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.
  6. "Joint ventures" as defined in this policy pertaining to certification means that one party to the joint venture is a DVBE or small business and owns at least 51 percent of the joint venture.
  7. "Zero or Near-Zero Emission Vehicle Business" as used in this policy means a company or contractor that uses Zero or Near-Zero emission vehicles in conducting deliveries to South Coast AQMD. Zero or Near-Zero emission vehicles

include vehicles powered by electric, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG), ethanol, methanol and hydrogen and are certified to 90% or lower of the existing standard.

8. "Off-Peak Hours Delivery Business" as used in this policy means a company or contractor that commits to conducting deliveries to South Coast AQMD during off-peak traffic hours defined as between 10:00 a.m. and 3:00 p.m.
9. "Benefits Incentive Business" as used in this policy means a company or contractor that provides janitorial, security guard or landscaping services to South Coast AQMD and commits to providing employee health benefits (as defined below in Section VIII.D.2.d) for full time workers with affordable deductible and co-payment terms.
10. "Minority Business Enterprise" as used in this policy means a business that is at least 51 percent owned by one or more minority person(s), 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 or minority persons.
  - a. a business whose management and daily business operations are controlled by one or more minority persons.
  - b. a business which is a sole proprietorship, corporation, or partnership 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-based business.
  - c. "Minority person" for purposes of this policy, means a Black American, Hispanic American, Native-American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian (including a person whose origins are from India, Pakistan, and 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, and Taiwan).
11. "Most Favored Customer" as used in this policy means that the South Coast AQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.
12. "Disadvantaged Business Enterprise" as used in this policy means a business that is an entity owned and/or controlled by a socially and economically disadvantaged individual(s) as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note) (10% statute), and Public Law 102-389 (42 U.S.C. 4370d)(8% statute), respectively;
  - a Small Business Enterprise (SBE);
  - a Small Business in a Rural Area (SBRA);
  - a Labor Surplus Area Firm (LSAF); or

a Historically Underutilized Business (HUB) Zone Small Business Concern, or a concern under a successor program.

- C. Under Request for Quotations (RFQ), DVBEs, DVBE business joint ventures, small businesses, and small business joint ventures shall be granted a preference in an amount equal to 5% of the lowest cost responsive bid. Zero or Near-Zero Emission Vehicle Businesses shall be granted a preference in an amount equal to 5 percent of the lowest cost responsive bid. Off-Peak Hours Delivery Businesses shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid. Local businesses (if the procurement is not funded in whole or in part by federal grant funds) shall be granted a preference in an amount equal to 2% of the lowest cost responsive bid. Businesses offering Most Favored Customer status shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid.
- D. Under Request for Proposals, DVBEs, DVBE joint ventures, small businesses, and small business joint ventures shall be awarded ten (10) points in the evaluation process. A non-DVBE or large business shall receive seven (7) points for subcontracting at least twenty-five (25%) of the total contract value to a DVBE and/or small business. Zero or Near-Zero Emission Vehicle Businesses shall be awarded five (5) points in the evaluation process. On procurements which are not funded in whole or in part by federal grant funds local businesses shall receive five (5) points. Off-Peak Hours Delivery Businesses shall be awarded two (2) points in the evaluation process. Businesses offering Most Favored Customer status shall be awarded two (2) points in the evaluation process.
- E. South Coast AQMD will ensure that discrimination in the award and performance of contracts does not occur on the basis of race, color, sex, national origin, marital status, sexual preference, creed, ancestry, medical condition, or retaliation for having filed a discrimination complaint in the performance of South Coast AQMD contractual obligations.
- F. South Coast AQMD requires Contractor to be in compliance with all state and federal laws and regulations with respect to its employees throughout the term of any awarded contract, including state minimum wage laws and OSHA requirements.
- G. When contracts are funded in whole or in part by federal funds, and if subcontracts are to be let, the Contractor must comply with the following, evidencing a good faith effort to solicit disadvantaged businesses. Contractor shall submit a certification signed by an authorized official affirming its status as a MBE or WBE, as applicable, at the time of contract execution. South Coast AQMD reserves the right to request documentation demonstrating compliance with the following good faith efforts prior to contract execution.
  - 1. Ensure Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
  - 2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates

participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

3. Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and Local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
  4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
  5. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
  6. If the prime contractor awards subcontracts, require the prime contractor to take the above steps.
- H. To the extent that any conflict exists between this policy and any requirements imposed by federal and state law relating to participation in a contract by a certified MBE/WBE/DVBE as a condition of receipt of federal or state funds, the federal or state requirements shall prevail.
- I. When contracts are not funded in whole or in part by federal grant funds, a local business preference will be awarded. For such contracts that involve the purchase of commercial off-the-shelf products, local business preference will be given to suppliers or distributors of commercial off-the-shelf products who maintain an ongoing business within the geographical boundaries of South Coast AQMD. However, if the subject matter of the RFP or RFQ calls for the fabrication or manufacture of custom products, only companies performing 90% of the manufacturing or fabrication effort within the geographical boundaries of South Coast AQMD shall be entitled to the local business preference. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points.
- J. In compliance with federal fair share requirements set forth in 40 CFR Part 33, South Coast AQMD shall establish a fair share goal annually for expenditures with federal funds covered by its procurement policy.



# 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 South Coast AQMD Contractor/Supplier:

South Coast Air Quality Management District (South Coast AQMD) 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  
Chief Financial Officer

DH;jn

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 South Coast AQMD, \_\_\_\_\_ (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 South Coast AQMD 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 South Coast AQMD at the time of bid application.
- performs 90 percent of the work within South Coast AQMD’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 South Coast AQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

## 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.	<b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	<b>2</b> Business name/disregarded entity name, if different from above	
	<b>3</b> 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.	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
	<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	Exempt payee code (if any) _____
	<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.	Exemption from FATCA reporting code (if any) _____
	<input type="checkbox"/> Other (see instructions) ▶ _____	(Applies to accounts maintained outside the U.S.)
	<b>5</b> Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	<b>6</b> City, state, and ZIP code	
	<b>7</b> 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>					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 25%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-		-	
	-		-		
or					
<b>Employer identification number</b>					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; border: 1px solid black; height: 20px;"></td> <td style="width: 5%; text-align: center;">-</td> <td style="width: 90%; border: 1px solid black; height: 20px;"></td> </tr> </table>		-			
	-				

**Part II Certification**

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below); and
- 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), ABLÉ 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 <sup>4</sup>
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.

TAXABLE YEAR

CALIFORNIA FORM

# 2021 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&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 \_\_\_\_\_

# 2021 Instructions for Form 590

## Withholding Exemption Certificate

References in these instructions are to the California Revenue and Taxation Code (R&TC).

### General Information

California Revenue and Taxation Code (R&TC) Section 18662 requires withholding of income or franchise tax on payments of California source income made to nonresidents of California. For more information, See General Information B, Income Subject to Withholding.

**Registered Domestic Partners (RDPs)** – For purposes of California income tax, references to a spouse, husband, or wife also refer to a California RDP unless otherwise specified. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

### A Purpose

Use Form 590, Withholding Exemption Certificate, to certify an exemption from nonresident withholding.

Form 590 does not apply to payments of backup withholding. For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **backup withholding**.

Form 590 does not apply to payments for wages to employees. Wage withholding is administered by the California Employment Development Department (EDD). For more information, go to [edd.ca.gov](http://edd.ca.gov) or call 888.745.3886.

**Do not** use Form 590 to certify an exemption from withholding if you are a **seller of California real estate**. Sellers of California real estate use Form 593, Real Estate Withholding Statement, to claim an exemption from the real estate withholding requirement.

**The following are excluded from withholding and completing this form:**

- The United States and any of its agencies or instrumentalities.
- A state, a possession of the United States, the District of Columbia, or any of its political subdivisions or instrumentalities.
- A foreign government or any of its political subdivisions, agencies, or instrumentalities.

### B Income Subject to Withholding

Withholding is required on the following, but is not limited to:

- Payments to nonresidents for services rendered in California.
- Distributions of California source income made to domestic nonresident partners, members, and S corporation shareholders and allocations of California source income made to foreign partners and members.
- Payments to nonresidents for rents if the payments are made in the course of the withholding agent's business.
- Payments to nonresidents for royalties from activities sourced to California.

- Distributions of California source income to nonresident beneficiaries from an estate or trust.
- Endorsement payments received for services performed in California.
- Prizes and winnings received by nonresidents for contests in California.

However, withholding is optional if the total payments of California source income are \$1,500 or less during the calendar year.

For more information on withholding, get FTB Pub. 1017, Resident and Nonresident Withholding Guidelines. To get a withholding publication, see Additional Information.

### C Who Certifies this Form

Form 590 is certified (completed and signed) by the payee. California residents or entities exempt from the withholding requirement should complete Form 590 and submit it to the withholding agent before payment is made. The withholding agent is then relieved of the withholding requirements if the agent relies in good faith on a completed and signed Form 590 unless notified by the Franchise Tax Board (FTB) that the form should not be relied upon.

An incomplete certificate is invalid and the withholding agent should not accept it. If the withholding agent receives an incomplete certificate, the withholding agent is required to withhold tax on payments made to the payee until a valid certificate is received. In lieu of a completed exemption certificate, the withholding agent may accept a letter from the payee as a substitute explaining why they are not subject to withholding. The letter must contain all the information required on the certificate in similar language, including the under penalty of perjury statement and the payee's taxpayer identification number (TIN).

The certification does not need to be renewed annually. The certification on Form 590 remains valid until the payee's status changes. The withholding agent must retain a copy of the certification or substitute for at least five years after the last payment to which the certification applies. The agent must provide it to the FTB upon request.

If an entertainer (or the entertainer's business entity) is paid for a performance, the entertainer's information must be provided. **Do not** submit the entertainer's agent or promoter information.

The grantor of a grantor trust shall be treated as the payee for withholding purposes. Therefore, if the payee is a grantor trust and one or more of the grantors is a nonresident, withholding is required. If all of the grantors on the trust are residents, no withholding is required. Resident grantors can check the box on Form 590 labeled "Individuals — Certification of Residency."

### D Definitions

For California nonwage withholding purposes:

- **Nonresident** includes all of the following:
  - Individuals who are not residents of California.
  - Corporations not qualified through the California Secretary of State (CA SOS) to do business in California or having no permanent place of business in California.
  - Partnerships or limited liability companies (LLCs) with no permanent place of business in California.
  - Any trust without a resident grantor, beneficiary, or trustee, or estates where the decedent was not a California resident.
- **Foreign** refers to non-U.S.

For more information about determining resident status, get FTB Pub. 1031, Guidelines for Determining Resident Status. Military servicemembers have special rules for residency. For more information see General Information E, Military Spouse Residency Relief Act (MSRRA), and FTB Pub. 1032, Tax Information for Military Personnel.

#### Permanent Place of Business:

A corporation has a permanent place of business in California if it is organized and existing under the laws of California or it has qualified through the CA SOS to transact intrastate business. A corporation that has not qualified to transact intrastate business (e.g., a corporation engaged exclusively in interstate commerce) will be considered as having a permanent place of business in California only if it maintains a permanent office in California that is permanently staffed by its employees.

### E Military Spouse Residency Relief Act (MSRRA)

Generally, for tax purposes you are considered to maintain your existing residence or domicile. If a military servicemember and nonmilitary spouse have the same state of domicile, the MSRRA provides:

- A spouse shall not be deemed to have lost a residence or domicile in any state solely by reason of being absent to be with the servicemember serving in compliance with military orders.
- A spouse shall not be deemed to have acquired a residence or domicile in any other state solely by reason of being there to be with the servicemember serving in compliance with military orders.

**Domicile** is defined as the one place:

- Where you maintain a true, fixed, and permanent home.
- To which you intend to return whenever you are absent.

A military servicemember's nonmilitary spouse is considered a nonresident for tax purposes if the servicemember and spouse have the same domicile outside of California and the spouse is in California solely to be with the servicemember who is serving in compliance with Permanent Change of Station orders.

California may require nonmilitary spouses of military servicemembers to provide proof that they meet the criteria for California personal income tax exemption as set forth in the MSRRA.

Income of a military servicemember's nonmilitary spouse for services performed in California is not California source income subject to state tax if the spouse is in California to be with the servicemember serving in compliance with military orders, and the servicemember and spouse have the same domicile in a state other than California.

For additional information or assistance in determining whether the applicant meets the MSRRA requirements, get FTB Pub. 1032.

## Specific Instructions

### Payee Instructions

Enter the withholding agent's name.

Enter the payee's information, including the TIN and check the appropriate TIN box.

You must provide a valid TIN as requested on this form. The following are acceptable TINs: social security number (SSN); individual taxpayer identification number (ITIN); federal employer identification number (FEIN); California corporation number (CA Corp no.); or CA SOS file number.

**Private Mail Box (PMB)** – Include the PMB in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

**Foreign Address** – Follow the country's practice for entering the city, county, province, state, country, and postal code, as applicable, in the appropriate boxes. Do not abbreviate the country name.

**Exemption Reason** – Check the box that reflects the reason why the payee is exempt from the California income tax withholding requirement.

### Withholding Agent Instructions

Do not send this form to the FTB. The certification on Form 590 remains valid until the payee's status changes. The withholding agent must retain a copy of the certificate or substitute for at least five years after the last payment to which the certificate applies. The agent must provide it to the FTB upon request.

The payee must notify the withholding agent if any of the following situations occur:

- The individual payee becomes a nonresident.
- The corporation ceases to have a permanent place of business in California or ceases to be qualified to do business in California.
- The partnership ceases to have a permanent place of business in California.
- The LLC ceases to have a permanent place of business in California.
- The tax-exempt entity loses its tax-exempt status.

If any of these situations occur, then withholding may be required. For more information, get Form 592, Resident and Nonresident Withholding Statement, Form 592-B, Resident and Nonresident Withholding Tax Statement, [Form 592-PTE](#), Pass-Through Entity Annual Withholding Return, Form 592-Q, Payment Voucher for Pass-Through Entity Withholding, and Form 592-V, Payment Voucher for Resident or Nonresident Withholding.

## Additional Information

**Website:** For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **nonwage**.

**MyFTB** offers secure online tax account information and services. For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and login or register for **MyFTB**.

**Telephone:** 888.792.4900 or 916.845.4900, Withholding Services and Compliance phone service

**Fax:** 916.845.9512

**Mail:** WITHHOLDING SERVICES AND COMPLIANCE MS F182  
FRANCHISE TAX BOARD  
PO BOX 942867  
SACRAMENTO CA 94267-0651

For questions unrelated to withholding, or to download, view, and print California tax forms and publications, or to access the TTY/TDD numbers, see the Internet and Telephone Assistance section.

## Internet and Telephone Assistance

**Website:** [ftb.ca.gov](http://ftb.ca.gov)

**Telephone:** 800.852.5711 from within the United States  
916.845.6500 from outside the United States

**TTY/TDD:** 800.822.6268 for persons with hearing or speech disability  
711 or 800.735.2929 California relay service

### Asistencia Por Internet y Teléfono

**Sitio web:** [ftb.ca.gov](http://ftb.ca.gov)

**Teléfono:** 800.852.5711 dentro de los Estados Unidos  
916.845.6500 fuera de los Estados Unidos

**TTY/TDD:** 800.822.6268 para personas con discapacidades auditivas o del habla  
711 ó 800.735.2929 servicio de relevo de California

## **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 (South Coast AQMD) 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 South Coast AQMD 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 South Coast AQMD; and further prohibits a campaign contribution from being made for three (3) months following the date of the final decision by the Governing Board or the MSRC on a donor’s contract or permit. Gov’t Code §84308(d). For purposes of reaching the \$250 limit, the campaign contributions of the bidder or contractor plus contributions by its parents, affiliates, and related companies of the contractor or bidder are added together. 2 C.C.R. §18438.5.

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

### **SECTION I.**

**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: \_\_\_\_\_

<b>DEFINITIONS</b>
<p style="text-align: center;">Parent, Subsidiary, or Otherwise Related Business Entity (2 Cal. Code of Regs., §18703.1(d).)</p> <p>(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.</p> <p>(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:</p> <ul style="list-style-type: none"> <li>(A) One business entity has a controlling ownership interest in the other business entity.</li> <li>(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:                             <ul style="list-style-type: none"> <li>(i) The same person or substantially the same person owns and manages the two entities;</li> <li>(ii) There are common or commingled funds or assets;</li> <li>(iii) The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;</li> <li>(iv) There is otherwise a regular and close working relationship between the entities; or</li> </ul> </li> <li>(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.</li> </ul>



# 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 (South Coast AQMD) 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 South Coast AQMD 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 South Coast AQMD for distribution. This will delay my payment.
- This authorization remains in effect until South Coast AQMD receives written notification of changes or cancellation from you.
- I hereby release and hold harmless South Coast AQMD 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 South Coast AQMD Use Only

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

Date \_\_\_\_\_

Sean M. Neal  
Duncan, Weinberg, Genzer &  
Pembroke, P.C.  
915 L Street, Suite 1410  
Sacramento, CA 95814

RT 499 1 C  
ST 16 16:30 0699  
11.16

REC'D NOV 16 2021

NOV 16 2021

ORIGIN ID:BLUR (000) 000-0000  
DUNCAN, WEINBERG, GENZER & PEH  
SUE NW STE 700  
1667 K ST NW STE NW  
WASHINGTON, DC 20006  
UNITED STATES US

TO DEAN HUGHBANKS  
SOUTH COAST AQMD PROCUREMENT MANGER  
21865 COPLEY DRIVE

DIAMOND BAR CA 91765

(000) 000-0000  
UNIT  
P.O.

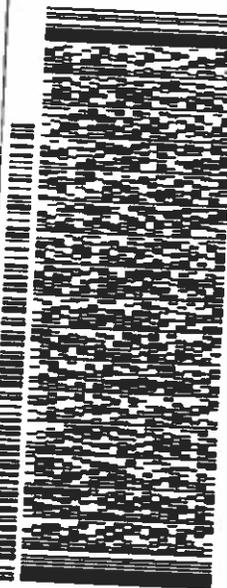
REF:

DEPT:

SHIP DATE: 11-NOV-21  
ACTWT: 11.16 LB  
CRD: 699-499-5502220  
DIM3: 13x11x11 IN  
BILL THIRD PARTY

Part # 156297-435

FedEx  
Express



TUE - 16 NOV 4:30P  
STANDARD OVERNIGHT

TRK# 2861 5930 0699  
0201

92 POC-A

91765



TRACK ANOTHER SHIPMENT

286159300699



[ADD NICKNAME](#)

Delivered  
Tuesday, 11/16/2021 at 9:39 am



**DELIVERED**  
Signed for by: N.TEJADA

[GET STATUS UPDATES](#)

[OBTAIN PROOF OF DELIVERY](#)

**FROM**  
WASHINGTON, DC US

**TO**  
Diamond Bar, CA US

[MANAGE DELIVERY](#)

Travel History

**TIME ZONE**  
Local Scan Time



Tuesday, November 16,  
2021

9:39 AM	Diamond Bar, CA	Delivered
8:48 AM	CITY OF INDUSTRY, CA	On FedEx vehicle for delivery
7:44 AM	CITY OF INDUSTRY, CA	At local FedEx facility
2:48 AM	LOS ANGELES, CA	At destination sort facility
1:44 AM	OAKLAND, CA	Departed FedEx hub

Monday, November 15,  
2021

10:44 PM	OAKLAND, CA	Arrived at FedEx hub
8:56 PM	SACRAMENTO, CA	Left FedEx origin facility
5:02 PM	SACRAMENTO, CA	Picked up

5:10 PM

Shipment information sent to FedEx

3:10 PM

SACRAMENTO, CA

Picked up  
Tendered at FedEx Office

Expand History 

### Shipment Facts

**TRACKING NUMBER**

286159300699

**SERVICE**

FedEx Standard Overnight

**WEIGHT**

1 lbs / 0.45 kgs

**DIMENSIONS**

13x11x13 in.

**DELIVERED TO**

Mailroom

**TOTAL PIECES**

1

**TOTAL SHIPMENT WEIGHT**

1 lbs / 0.45 kgs

**TERMS**

Third Party

**PACKAGING**

Your Packaging

**SPECIAL HANDLING SECTION**

Deliver Weekday

**SHIP DATE**

11/15/21 

**STANDARD TRANSIT**

11/16/21 before 4:30 pm 

**ACTUAL DELIVERY**

11/16/21 at 9:39 am

TRACK ANOTHER SHIPMENT

286159300699



[ADD NICKNAME](#)

Delivered  
Tuesday, 11/16/2021 at 9:39 am



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Your Packaging

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### SHIP DATE

11/15/21 

### STANDARD TRANSIT

11/16/21 before 4:30 pm 

### ACTUAL DELIVERY

11/16/21 at 9:39 am

**DWGP**  
DUNCAN WEINBERG GENZER PEMBROKE

**50 YEARS**

#4 RECEIVED  
OCT 05 2021  
BY: 9:45

WALLACE L. DUNCAN (1937-2008)  
EDWARD WEINBERG (1918-1995)  
JEFFREY C. GENZER  
THOMAS L. RUDEBUSCH  
MICHAEL R. POSTAR  
ELI D. EILBOTT\*  
LISA S. GAST  
PETER J. SCANLON  
DEREK A. DYSON  
BHAVEETA K. MODY  
KRISTEN CONNOLLY McCULLOUGH  
ELLEN L. HILL

1667 K STREET, NW, SUITE 700  
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(202) 467-6370  
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(916) 498-0121  
SEAN M. NEAL  
LAUREN M. PERKINS  
SYLWIA DAKOWICZ\*\*

Senior Counsel  
ROBERT A. LAURIE\*\*

Of Counsel  
DONALD H. CLARKE  
PETER C. KISSEL\*\*  
JAMES D. PEMBROKE  
ROBERT WEINBERG

October 4, 2021

*Via Overnight Mail*

\*REGISTERED TO PRACTICE BEFORE  
U.S. PATENT AND TRADEMARK OFFICE

\*\* NOT ADMITTED IN D. C.; SUPERVISION  
BY PRINCIPALS OF THE FIRM, MEMBERS  
OF THE DC BAR

Procurement Unit  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765 – 4178

Re: RFP No. 2022-01  
Legislative Representation in Washington, D.C.

Dear Mr. Rivera and the Procurement Unit of SCAQMD:

Enclosed please find the response of Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP" or "Firm") in response to the South Coast Air Quality Management District's ("SCAQMD") Requests for Proposals for Federal Legislative Representation in Washington, D.C. This submittal consists of eight (8) complete copies, one of which is an original.

DWGP is a professional corporation, established over fifty years ago in the District of Columbia. Our principal office is in Washington, D.C., and we also operate an office in Sacramento, California. From this vantage point, we offer a unique perspective to SCAQMD with our presence in both capitals. DWGP is highly qualified and stands ready to provide representation and support to fulfill the legislative goals of the SCAQMD at the federal level. DWGP is pleased to be partnering in this proposal with Mr. Clinton Britt of the Grove Climate Group, LLC. Mr. Britt has fifteen years of highly relevant experience on Capitol Hill and recent experience in coalition building involving climate change response.

The principal contact for DWGP to the SCAQMD will be Mr. Jeff Genzer. His address is 1667 K Street, Suite 700, Washington DC 20006 (this address is our DC headquarters office). His telephone number is 202-467-6370, cell number is 202-714-9724, fax number is 202-467-

6379, and e-mail is [jcg@dwgp.com](mailto:jcg@dwgp.com). Mr. Sean Neal is a shareholder of the Firm and is authorized to sign this proposal. His address, and the office closest to Diamond Bar, California, is 915 L Street, Suite 1410, Sacramento, CA, telephone number 916-498-0121, fax 916-498-9975, and e-mail [smn@dwgp.com](mailto:smn@dwgp.com).

In Volume I and Volume II of our submittal, we provide our Technical and Cost Proposals, respectively. In Volume III, we submit all applicable certifications and representations. In the event that we enter into a representation agreement, the Firm will comply with all further certifications and forms that may be applicable, such as the Direct Deposit Authorization and Withholding Exemption Certificate form in the Attachments to the RFP No. P2022-01.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean M. Neal".

Sean M. Neal

VOLUME I – TECHNICAL PROPOSAL

Request for Proposal No. P2022-01

Legislative Representation  
In Washington, D.C.

Response of

Duncan, Weinberg, Genzer & Pembroke, P.C.

1667 K Street, N.W., Suite 700  
Washington, DC 20006

and

915 L Street, Suite 1410  
Sacramento, CA 95814

Contact Person: Jeffrey C. Genzer

Tel.: 202-467-6370

Cell: 202-714-9724

Fax: 202-467-6379

[jcg@dwgp.com](mailto:jcg@dwgp.com)

October 4, 2021

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## **SECTION A – Summary**

Duncan, Weinberg, Genzer & Pembroke, P.C. (“DWGP” or “Firm”) is a professional corporation, established over fifty years ago in the District of Columbia. Our principal office is in Washington, D.C., and we also operate an office in Sacramento, California. From this vantage point, we offer a unique perspective to the South Coast Air Quality Management District (“SCAQMD”) with our presence in both capitals. DWGP is pleased to submit this proposal in response to RFP No. P2022-01. DWGP is highly qualified and stands ready to provide representation and support to fulfill the legislative goals of the SCAQMD at the federal level. We will be partnering in this effort with Clinton Britt of the Grove Climate Group, LLC. Mr. Britt has 15 years of highly relevant experience on Capitol Hill and recent experience in coalition building involving climate change response.

DWGP’s advocacy and experience on behalf of municipalities, governmental associations, and joint action agencies uniquely qualifies us to serve as the Federal Legislative Representative for the SCAQMD. Our advocacy on behalf of SCAQMD will effectively and comprehensively engage with Congressional and Agency representatives to communicate the SCAQMD’s policy positions and funding needs. DWGP will seek out Federal funding opportunities not only within the Congressional authorization and appropriations process but also through grants, and demonstration and deployment activities by relevant Executive departments. DWGP and Grove Climate Group will track major legislative policy discussions to provide opportunities for the SCAQMD to share its expertise and experience in testimony at Congressional hearings. We will track the relevant regulatory venues to ensure that the SCAQMD’s views are known to policymakers during policy deliberations or formal rulemakings. The Firm and Grove Climate Group will propose for the SCAQMD’s consideration possible coalitions and other joint efforts with allied entities to advance a common position before either the Congress or Executive branch departments. In all our public policy advocacy efforts the Firm seeks to build strategic relationships in which all parties are able to meet common objectives.

The change in administration at the Federal level brings new potential for funding opportunities and infrastructure development, and DWGP’s experience in obtaining grants for clients through the American Recovery and Reinvestment Act (“ARRA”), the Coronavirus Aid, Relief, and Economic Security (“CARES Act”), and the American Rescue Plan Act of 2021 can be leveraged for the SCAQMD.

On behalf of the Firm’s trade association clients (mostly state and local governmental entities), we have helped facilitate effective coalitions and joint efforts principally during the Federal appropriations process to support budget requests for funds to states and local governments. This work involves appropriations in the Federal budget for energy and environmental efforts by states and local governments. The Firm, on behalf of these clients, has fostered shared strategies by state and local government energy and environmental agencies for the purpose of seeking funds and support from the U.S. Department of Energy (“DOE”) and the U.S. Environmental Protection Agency (“EPA”) to utilize states and local governments for innovative programs. This work has included

both traditional grant-funding processes in the departments but also creation of local initiatives to bring to the attention of the relevant Federal agency. Our work for state and local governments in the energy and environment fields will be readily transferable to the areas of concern to SCAQMD. On behalf of the National Association of State Energy Officials ("NASEO"), the Firm has obtained dedicated funds for state energy offices to utilize for energy efficiency, sustainable environmental policies and renewable energy development.

The Firm also regularly represents its various local government clients on air quality-related matters and routinely negotiates with EPA representatives on compliance issues. The Firm represents its local government clients in various EPA and state environmental agency rulemakings and stakeholder events. This representation includes experience with state air boards in California. For example, the Firm has advocated before the California Air Resources Board ("CARB") as to the Cap-and-Trade regulation. The Firm has helped clients work with air board staff on enforcement queries. Just this year, Firm attorneys assisted an industrial client work with Staff of the San Joaquin Valley Air Pollution Control District to obtain a variance to maintain operations and jobs, while developing a plan to make timely repairs to the facility.

On behalf of many of its clients, DWGP has been engaged in the Federal efforts to reduce and regulate carbon and other air pollutant emissions. With its headquarters in Washington D.C., the Firm has, over the decades, helped shape the conversation on various EPA rulemakings affecting generation sources and innovative solutions. DWGP has worked on various iterations of EPA rulemakings with regard to standards of performance of electric generating units and other industrial or commercial boiler units, regulated under the Clean Air Act ("CAA"). DWGP has worked with clients in dealing with EPA rulemakings, including EPA's Clean Air Interstate Rule, Clean Air Mercury Rule, the Cross-State Air Pollution ("CSAPR") Rule, the Regional Haze Rule, the Mercury and Air Toxics Standards ("MATS") Rule, Utility New Source Performance Standards Rule, the Carbon Performance Standards for New Sources Rule, and most recently the Carbon Performance Standards for Existing Sources Rule.

DWGP also has extensive experience with numerous public interest groups and coalitions, both governmental and non-governmental. DWGP has the experience and knowledge to ensure that the views of SCAQMD are known to and considered by these organizations. The Firm has experience in coalition building on behalf of its clients among local and state government and public interest groups. In particular, the Firm emphasizes coalition building to increase the impact of lobbying and legislative monitoring efforts by budget-constrained public entities.

Through coalition efforts on behalf of many clients, the Firm and Clinton Britt have developed strategic relationships with national trade associations and organizations representing state and local interests, including NASEO, the National Governors Association ("NGA"), Western Governors Association, National Conference of State Legislatures ("NCSL"), National Energy Assistance Directors' Association (Firm client), National Association of State Community Service Programs, National League of Cities

("NLC"), U.S. Conference of Mayors, National Association of Counties ("NACO") and other governmental associations. The Firm has worked closely with the National Association of Clean Air Agencies ("NACAA") and its predecessor, STAPPA/ALAPCO. We also have relationships with municipal organizations. We work closely with NRDC, EDF, WRI, RFF, ACEEE, Alliance to Save Energy, National Association of Energy Service Companies ("NAESCO") (Firm client), the Navajo Tribal Utility Authority ("NTUA") (Firm client), Sierra Club, RMI, Georgetown Climate Center, the Nicholas Institute for Environmental Policy Solutions at Duke University, Orsted, ITC Holdings, and others.

The Firm and Clinton Britt have relationships with key leadership offices and decisionmakers in the United States House of Representatives and the United States Senate, along with Congressional members and staff on the Appropriations, Finance, Energy, Environment, Science, Budget, Judiciary and Commerce committees of the Congress. Additionally, the Firm and Clinton Britt have networks that reach the highest levels of both policy and political personnel in the Administration, including at DOE, EPA, the Federal Energy Regulatory Commission ("FERC"), Council on Environmental Quality, the White House, and others.

The Environment and Climate Change subcommittee on the House Committee on Energy and Commerce has jurisdiction over the Clean Air Act, all matters related to soil, air, and water contamination, including Superfund and the Resource Conservation and Recovery Act ("RCRA"), toxic substances, EPA, environmental justice, and more. Most of SCAQMD's priorities, legislatively speaking, will have to pass through this subcommittee. As Chief of Staff to the Chairman of the subcommittee, Congressman Paul Tonko, Mr. Britt is uniquely positioned to understand and advocate for SCAQMD's priorities before committee members and staff.

The Firm has had long-standing business relationships with many California entities in the electricity sector, some spanning over three decades. These entities include the Cities of Alameda, Lodi, Palo Alto, Redding, Santa Clara (doing business as Silicon Valley Power), Ukiah, and Vernon, the Imperial Irrigation District, Modesto Irrigation District, The Metropolitan Water District of Southern California/State Water Contractors, the Lassen Municipal Utility District, the M-S-R Public Power Agency and the Transmission Agency of Northern California. The Firm also works with a group of engineering and economic firms to provide consulting services to the Los Angeles Department of Water and Power. Additionally, the Firm represents several community choice aggregators, including Marin Clean Energy, Peninsula Clean Energy, and Silicon Valley Clean Energy. The Firm's commitment to support its California-based clients is reflected in the establishment of its California office in Sacramento, which began operations in September 2004.

The Firm also offers strategic counsel on energy-related matters that require interpretation or that might evolve through legislation over time. Such strategic advice at times involves legislative activity to help shape federal energy policy. For example, the Firm, on behalf of multiple clients, was involved in the development of the State Energy Efficiency Programs Improvement Act of 1990, the Energy Policy Act of 1992, the Energy Policy Act

of 2005, and the Energy Independence and Security Act of 2007 (EISA 2007), the present debates on the bipartisan infrastructure package (HR 3684) and the reconciliation package, as well as Congressional appropriations, annually, for governmental clients. Our work on these Acts involved energy efficiency, renewable energy, energy service performance contracting provisions, low-income energy, and transportation (especially electric vehicles). These efforts included authorization and reauthorization language, tax provisions (renewable energy and energy efficiency tax credits), and energy policy sections. During the deliberations leading up to the enactment of the Energy Policy Act of 2005, DWGP's Jeff Genzer co-chaired the ad hoc coalition of state and local governments convened in the Hall of the States, representing their interests before Congress and the Administration. The Firm has worked on general energy policy and climate change legislation for clients seeking to reduce energy consumption and greenhouse gas emissions.

DWGP also assisted NASEO in interpreting rules and petitioning various federal agencies for clarifications on ARRA-related requirements such as the Davis-Bacon Act, Buy-American clauses, Historic Preservation Act and National Environmental Policy Act ("NEPA") requirements. For example, DWGP successfully negotiated with federal agencies on behalf of its client NASEO in developing a streamlined and uniform ARRA standard under NEPA to ensure that each state energy office could efficiently and fairly administer ARRA funding to various state subdivisions quickly. DWGP negotiated a guidance document with the DOE that logically sets forth the applicability of levels of environmental review according to certain project criteria that, as a practical matter, ministerial activities by states or their subdivisions were categorically excluded from environmental review, while activities with a true potential to significantly affect the environment retained more stringent environmental review requirements. DWGP's involvement ensured an efficient, consistent review and approval of ARRA funding across states and political subdivisions, which greatly aided the distribution and utilization of ARRA funds.

The Project Team Lead, Jeff Genzer, who also serves as General Counsel to the NASEO, has extensive expertise and years of experience in convincing elected officials to provide funds for energy efficiency, conservation activities, and renewable energy development as needed investments for states and local government clients. These efforts have been undertaken during the volatile cycles of world energy prices. The Firm has helped these clients make the case for investments in these activities as critical to the national, state, and local infrastructure. Mr. Genzer has shown how Federal dollars can be leveraged with state and local dollars to demonstrate significant returns for the Federal investment. The Firm has a history of assisting revenue-constrained smaller government entities to access needed Federal investments. In addition to Mr. Genzer, the rest of the DWGP members of the Project Team will be DWGP Shareholders Mr. Eli Eilbott and Mr. Sean Neal, and DWGP Associates Ms. Lauren Perkins and Ms. Ellen Hill.

In addition, the Project Team will include Mr. Clinton Britt, who has nearly 15 years of public policy experience at the federal and state levels. Mr. Britt is President of Grove Climate Group, LLC, which he founded in January 2021. Immediately prior, Mr. Britt spent 12 years working for Congressman Paul D. Tonko (NY-20), including the past eight

as his Chief of Staff. In that role, Mr. Britt managed policy, communication, constituent services and other operations. In addition, Mr. Britt served as the chief liaison with the Energy and Commerce Committee, and specifically with Chairman Tonko's subcommittee on Environment and Climate Change. He has routinely interfaced with the White House, federal agencies, CEOs, trade groups, nonprofits, and other Congressional Members and staff from both sides of the aisle and the Capitol.

## SECTION B - Program Schedule

We propose the following schedule as an example of our understanding of the project goals and milestones.

<b>Event</b>	<b>Date</b>
Execute Contract	December 2021
Sign confidentiality agreement	December 2021
Recommendations for increasing federal appropriations and funding opportunities	December 2021 (first report, with periodic updates if new opportunities arise)
Complete strategic and tactical implementation plan for 2022	January 2022
Monthly written briefing covering pertinent activities	Every month (December 2021 – December 2022)
Written quarterly reports on relevant administrative and legislative actions	March 2022 June 2022 September 2022 December 2022
Analysis of federal legislation affecting air quality and SCAQMD objectives	Ongoing 2021-2022
Written report on federal legislative policy meetings attended/monitored	As needed, December 2021 – December 2022
Written briefings to the SCAQMD Legislative Committee and Governing Board on federal legislation or policy	As needed, December 2021 – December 2022
Recommendations regarding SCAQMD positions on and strategies for federal air quality-related legislation or policies	As needed, December 2021 – December 2022
Communications to legislators and key administrative officials conveying SCAQMD positions on various bills and administrative actions	As needed, December 2021 – December 2022
Preparing testimony before Congressional committees and/or federal agency hearings	As needed, 2022
Attend meetings on behalf of SCAQMD with legislative representatives and administration members and appointees	As needed, 2022



our clients, most of whom are public power entities, with a sharp focus on accountability to their users. With its headquarters in Washington D.C., the Firm has, over the decades, been witness to and has helped shape the conversation on various EPA rulemakings affecting municipal power plants and power purchases. On behalf of our clients, DWGP's work has involved various EPA rulemakings dealing with performance standards for new and existing sources under the Clean Air Act, including EPA's Clean Air Interstate Rule, Clean Air Mercury Rule, the Cross-State Air Pollution Rule ("CSAPR"), the Regional Haze Rule, the Mercury and Air Toxics Standards ("MATS") Rule, the Utility New Source Performance Standards Rule, the Carbon Performance Standards for New Sources Rule, and most recently for Carbon Performance Standards for Existing Sources Rule ("Clean Power Plan"). DWGP tracks every stage of the rulemaking process for its clients, from the proposed rule to the appellate stage. DWGP provided analysis of the Supreme Court's decision striking down EPA's MATS Rule.

Regarding the Clean Power Plan, DWGP had played an extensive role before and during the proposed rulemaking process. Mr. Jeff Genzer, as General Counsel to the National Association of State Energy Officials ("NASEO"), helped guide a dialogue process between state energy and state and local air officials to develop coordinated strategies to effectively communicate with EPA. Through our representation of NASEO, the Firm successfully encouraged EPA to ensure that any Carbon Performance Standards should sufficiently give the States flexibility in assessing energy modeling, and developing compliance plans, to give States enough time to develop those plans, and to recognize the regional differences in load profile, generation mix and economic capacities. We helped craft arguments to urge giving credit towards compliance for various existing regionally-based programs such as California's market-based program pursuant to the Global Warming Solutions Act and the Northeast's Regional Greenhouse Gas Initiative ("RGGI"). In the Fall of 2013, Mr. Genzer (on behalf of NASEO), helped bring together key representatives of NASEO, the National Association of Regulatory Utility Commissioners ("NARUC") and the NACAA to discuss Section 111(d) issues with EPA and examine areas of common interest. After further consultations, the groups came together to develop a set of principles for inclusion of energy efficiency measures ("outside the fence") as a compliance component for existing power plants. These principles, as well as associated preamble language, were transmitted to EPA and discussed with senior officials, including Gina McCarthy, Janet McCabe, Joe Goffman, Ann Dunham and Julie Rosenberg. Edie Chang, Craig Segall and other officials from CARB were active participants in these discussions. They are all well aware of Mr. Genzer's work. Mr. Genzer is currently developing model compliance plans for states to use in considering how to incorporate energy efficiency.

DWGP assisted NTUA in understanding the Clean Power Plan and associated carbon rules, and in turn, educating EPA through submittal of written comments regarding NTUA's resource mix and needs. Through face-to-face meetings, DWGP helped facilitate communication between NTUA and EPA, as well as among State agencies and a diverse group of entities, including regulators and power plant owners, regarding the carbon mitigation rules.

Our full suite of environmental legal services also includes:

- Counseling on compliance with the CAA, including strategies to comply with National Ambient Air Quality Standards (“NAAQS”), New Source Performance Standards, and National Emissions Standards for Hazardous Air Pollutants (“NESHAPS”);
- Guiding clients through the NEPA process, including the Council on Environmental Quality’s recent guidance directing agencies to take climate change impacts into account during NEPA reviews;
- Advising on hazardous and solid waste management issues under RCRA; and
- Assisting in the permitting process related to wetlands and other Clean Water Act issues.

During 2019 and 2020, Mr. Clinton Britt, President of Grove Climate Group co-lead the process to draft the CLEAN Future Act, which served as the base text for omnibus energy legislation that passed at the end of 2020, as well as reconciliation and infrastructure language in 2021. The legislation aims to reduce emissions in the power, building, transportation, and industrial sectors, while setting a national climate target achieved through state climate plans. Finally, the CLEAN Future Act emphasizes environmental justice and a just transition. This process involved stakeholder input from the business community, non-profits, thought leaders, Members of Congress, staff, and others. Mr. Britt ensured that both policy and political considerations were incorporated, while measuring progress through weekly meetings with committee staff. A fact sheet on the numerous ways in which the bill amends the Clean Air Act can be found at: [https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/CLEAN Future Act Fact Sheet FINAL.pdf](https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/CLEAN_Future_Act_Fact_Sheet_FINAL.pdf).

#### **b. Preparing policy positions on environmental and air quality issues**

As described above, the Firm was involved extensively in forming policy positions regarding development of the Clean Power Plan as well as the Global Warming Solutions Act and RGGI. Before CARB, the Firm stated positions on behalf of the Modesto Irrigation District regarding development of regulations supporting the Cap-and-Trade program. The Firm has also participated in working groups at CARB in development of enforcement rules for meeting California’s Renewable Portfolio Standard.

Preparing policy positions on environmental and air quality issues is one step of the process, often involving exemptions, carve-outs, adjustments, clarification, or other policy choices. However, those solutions are not enough on their own. Clearly communicating both the problem and possible solutions are an integral part of any strategy. One such example, in the water space, was a bipartisan law enacted in 2013 called the Community Fire Safety Act. The law exempts fire hydrants from EPA regulation of lead in drinking water that could force municipalities to replace non-compliant hydrants at a large cost to the taxpayer. It recognized that fire hydrants are not regular sources of drinking water. The idea originally was elevated to the congressional level by a local mayor facing the

regulatory hurdle and then presenting a solution. The combination of issue identification and communication of possible solutions lead to a winning, bipartisan result.

### **c. Legislative monitoring and bill tracking**

Through the Firm's representation of the governmental and consumer-owned sectors of the electric industry, DWGP closely monitors Federal and state regulatory and legislative developments. DWGP routinely tracks major Federal and state legislative policy discussions to provide opportunities for our clients to share their expertise and experience in testimony at Congressional hearings. We track the relevant regulatory venues to ensure that our clients' views are known to policymakers during policy deliberations or formal rulemakings. In all our public policy advocacy efforts, the Firm seeks to build strategic relationships in which all parties are able to meet common objectives.

Given our years of experience, we have developed time-tested methods for obtaining, filtering, and analyzing vast amounts of information that is of potential interest to our clients. Employing these methods, we will be able to isolate key information of interest to SCAQMD. We will also be able to provide timely, concise analyses and recommended action for your consideration. Through personal contacts, online and other subscription resources, we are able to keep close watch on daily activity of state and Federal agencies, including the EPA, and the courts. On a daily basis, our attorneys and staff monitor these resources in order to identify and analyze relevant issues.

In addition to scheduled business and tracking methods, perhaps the most important updates come from routine communication with key staff and decision makers on the Hill and in federal agencies. These individuals and relationships are established over a career in Washington, D.C. Members of Congress, administration officials, senior staff, political operatives, and more were often former colleagues, from an office down the hall, or someone who spent hours in committee markups alongside members of the Firm. These relationships are the source of late-night text messages, early morning emails, easy to schedule Zoom calls, or simply a chance encounter in the halls of Congress. Gathering important details and updates on policy, making a subtle point, or pushing back against harmful actions should not be siloed to one particular form of communication or plan, but rather as part of a strategic whole. Legislative tracking and bill monitoring must happen in all the aforementioned ways and more, with a fluidity, flexibility, and adaptability to get the job done no matter the forum. This range of contacts is especially important for Clinton Britt and Jeff Genzer.

### **d. Congressional appropriations process**

Both Jeff Genzer and Clinton Britt have been highly engaged in the Congressional appropriations process, especially the Interior and Environment Appropriations bill (including EPA) and the Energy and Water Development Appropriations bill (including DOE). This work has involved specific funding for the pollution prevention division at EPA and the Energy Star program, as well as energy efficiency and renewable energy programs and the office of Electricity at DOE.

Prior to the start of the Congressional year, DWGP will meet with SCAQMD officials to determine the appropriate requests. In consultation with SCAQMD, DWGP will draft the appropriate requests. In coordination with SCAQMD, DWGP will set up meetings with the appropriate members of the Federal delegation to brief them on the SCAQMD's appropriations requests. It is important that these meetings occur in order for Congressional members to include SCAQMD requests on their "Wish List." This process was renewed and rushed in 2021. Future requests can be anticipated to be equally as rushed, making it important to determine priorities as far in advance as possible.

Additionally, much focus is rightly placed on the relationships individuals have with Appropriations Committee staff. Personal office staff also have an important role to play in the appropriations process. Leveraging existing relationships and networks at both the committee and personal office level enable the strongest level of advocacy. The Firm and Grove Climate Group have a wide and deep network of relationships on both sides of the Capitol to ensure SCAQMD's perspective and priorities are heard, understood, and acted upon.

**e. Preparing and presenting testimony before Congress and federal agencies**

As part of its representation of clients before the Congressional appropriations process, DWGP routinely advises and drafts testimony on budget priorities, appropriations, funding formulas or caps, and other policy positions of our clients. Coupled with Grove Climate Group's perspective on the receiving end of testimony over the past 12 years, the difference between prepared and oral testimony is stressed, while ensuring information conveyed is timely, unique, and actionable for interested parties. There are many lessons on quality witnesses that can be applied, especially in the hybrid and virtual settings of today's hearings. Endless hours of testimony have been prepared, heard, summarized, and acted upon throughout the Firm's history, with expert advice accumulated along the way.

**f. Negotiating bill language, policies or other federal agency provisions related to environmental, transportation, energy or air quality issues**

There are countless examples of drafting letters to leadership and appropriators, convening stakeholders to edit discussion drafts, seeking technical assistance from federal agencies, developing a coalition of internal and external supporters, and many others that could be highlighted. Below are five discreet examples that Mr. Clinton Britt has helped advance in the recent past:

- i. TSCA – On behalf of then Ranking Member of the Environment Subcommittee, Congressman Paul Tonko, Mr. Clinton Britt was in the room with the White House and senior House and Senate leadership when the final version of TSCA was negotiated. The final provision of discussion was regarding federal preemption. Through months (and years) of positioning and negotiations,

- including with both internal and external stakeholders, this bill was ultimately signed into law in June 2016.
- ii. HFCs – In late December 2020, as part of an omnibus energy bill, a section authorizing the cap and phase down of HFCs was included, which was a bipartisan (and bicameral) compromise to reduce these harmful greenhouse gas super pollutants. Building a coalition that spanned the U.S. Chamber of Commerce to environmental non-profits, language surrounding the timeline and pace of the phasedown was delicately balanced.
  - iii. Gas and wind R&D language – Also part of the December 2020 omnibus, these programs at the Department of Energy were authorized to reduce the cost and market barriers for both technologies. Each policy had years of analysis, support, coalition building, testimony, and much more to be accepted by all “four corners” of House and Senate leadership in the package. Funding levels will be at record levels to make gas turbines more efficient and improve the quality of wind turbines and wind farms.
  - iv. Nuclear waste – While this issue is ongoing and difficult, an interim nuclear waste storage bill was passed in 2018 with bipartisan support. The goal was to consolidate 121 interim sites while a permanent repository is pursued. Political and policy calculations had to be carefully balanced, while not giving any final approval or disapproval of Yucca Mountain.
  - v. CLEAN Future Act – Throughout the past couple years, the CLEAN Future Act has emerged. It started from a series of roundtables with stakeholder input to a set of principles on climate change to draft legislative text to base text in the 2020 omnibus package and finally in 2021’s infrastructure and reconciliation bills. This iterative process included every majority member of the House Committee on Energy and Commerce and had approval of Chairmen Pallone, Tonko, and Rush. With countless feedback, input, updates to legislative text, and much more, Mr. Britt served as co-manager to turn the original idea into a bill, the first such comprehensive text of climate policy since the “Waxman-Markey” legislation of 2009.

**g. Ability to work proactively and productively with all political affiliations and points of view**

Coalition building and working across the aisle has been a hallmark of the work conducted by Jeff Genzer and Clinton Britt. This has included both annual appropriations (State Energy Program, Weatherization Assistance Program, Energy Star Program (EPA and DOE), Pollution prevention programs at EPA and a variety of authorization measures. These presently include the State Energy Program (\$500 million in the bipartisan infrastructure package – HR 3684), Energy Efficiency and Conservation Block Grant (\$550 million in HR 3684), \$3.5 billion for Weatherization in HR 3684, \$225 million for building energy codes in HR 3684, \$250 million for the INSULATE Act (HR 3684), \$40 million for energy auditor training (HR 3684), reauthorization of SEP and inclusion of mandatory transmission and distribution planning and transportation planning in HR 3684, electricity transmission and grid expansion programs (HR 3684), EV programs (HR 3684 and the reconciliation package), the Green Bank (\$27 billion in the reconciliation package)

– EPA portion), \$20 billion for Hope for HOMES/HOMES and Zero Energy Homes in the reconciliation package), \$3.5 billion for Weatherization (reconciliation), \$3.2 billion for the “Open Back Better” bill in reconciliation, \$5 billion for EECBG in reconciliation, \$2 billion for the low-income solar program in both EPA and DOE in the reconciliation package, \$300 million for building energy codes in the reconciliation package, etc.

Additionally, as aforementioned, from HFCs to R&D proposals, Mr. Britt has extensive experience working across the aisle, as well as in the Senate and Administration, to get results. These do not stop at the border of energy and environment policy and include similar success in the fields of mental health, broadband, scientific integrity, and much more.

**h. Demonstrated ability in successfully seeking and securing funding for represented clients**

DWGP also counsels its clients on the most viable approaches for seeking Federal funds for projects and advises clients on the Federal Acquisition Rules once Federal funds are obtained. The Firm has advised clients in obtaining energy-related grants from funds established by the ARRA. On behalf of several clients, the Firm has drafted and shepherded grant applications to various Federal agencies such as the DOE, EPA, Department of Agriculture, Department of Interior, Department of Transportation and Department of Commerce. DWGP has obtained grant funding for the development of smart grids, last-mile broadband connectivity, energy efficiency and conservation blocks, community development blocks and local workforce training. DWGP has been working extensively with clients in meeting their federal compliance and grant requirements related to the 2020 Coronavirus Aid Relief and Economic Security (CARES) Act and the 2021 American Rescue Plan Act. DWGP is engaged in and closely in tune with efforts to pass federal infrastructure legislation. These efforts complement DWGP’s assistance of clients’ efforts under these plans to secure water resources and electric infrastructure (including distributed solar resources), and to maintain job creation for underserved and unserved communities during the fight against the COVID-19 pandemic.

The Firm has assisted many of its publicly-owned utility clients to implement Smart Grid applications to reduce the costs and environmental impacts related to meter reading from vehicles, and to develop a more responsive and efficient electric distribution system. We have prepared and filed successful applications to the U.S. DOE Smart Grid Investment Grant (“SGIG”) program under the ARRA. Our clients were among only 100 entities selected by the DOE for its SGIG program. DWGP also assisted public power entities in negotiating final grant agreements with the DOE and sub-awardee agreements while counseling on ARRA-related funding requirements as well as the Federal Acquisition Rules. DWGP represented public power entities in negotiating with the DOE project management and cyber-security plans for its SGIG-funded advanced metering project. Additionally, DWGP successfully represented public power clients in obtaining ARRA-related funding from the DOE for workforce training on the Advanced Metering Infrastructure facilities that are installed as part of the smart grid application.

DWGP is presently engaged in the development of the federal infrastructure package, including the House Energy and Commerce Committee's "Climate Leadership and Environmental Action for our Nation's Future Act" or the "CLEAN Future Act" and the "Leading Infrastructure For Tomorrow's America Act" or the "LIFT" Act, as well as discussions with the Energy and Water Development Appropriations Committee and the DOE on program design and implementation. In the event that an infrastructure bill passes in 2021, this could involve a dramatic expansion of opportunities for local governmental entities and utilities, for which we could assist, through programs at the DOE (especially the Energy Efficiency and Conservation Block Grant program, electric vehicle programs, building technology programs, the Weatherization Assistance Program and the State Energy Program), and other federal departments.

Further, DWGP assisted a municipal entity in partnering with the U.S. EPA to assess and prioritize potential solar energy sites for development. As part of this process, NTUA and the U.S. EPA identified a site that would be developed into one of the first and largest solar energy projects on reclaimed mining land in the United States. DWGP also helped a client, in conjunction with research institutions and third parties, to obtain DOE funding for advanced renewable energy technology projects dealing with ocean thermal energy conversion. The Firm has assisted many of its publicly-owned utility clients implement Smart Grid applications to reduce the costs and environmental impacts related to meter reading from vehicles, and to develop a more responsive and efficient electric distribution system.

On behalf of the Firm's trade association clients (mostly state governmental entities) we have been architects and facilitators of effective coalitions and joint efforts principally during the Federal appropriations process to support budget requests for funds to states and local governments. This work involves appropriations in the Federal budget for energy and environmental efforts by states and local governments. The Firm, on behalf of these clients, has fostered shared strategies by state and local government energy and environmental agencies for the purpose of seeking funds and support from the DOE and the EPA to utilize states and local governments for innovative programs. This work has included both traditional grant-funding processes in the departments but also creation of local initiatives to bring to the attention of the relevant Federal agency. Our work for state and local governments in the energy and environment fields will be readily transferable to SCAQMD's needs. The Firm's efforts on behalf of NASEO have obtained dedicated funds for state energy offices to utilize for energy efficiency, sustainable environmental policies and renewable energy development.

The Firm worked to obtain Congressional approval and Administration support for funding under ARRA for the Weatherization Program (\$5 billion), the State Energy Program (\$3.1 billion) and the Energy Efficiency and Conservation Block Grant (\$3.2 billion). These efforts included reauthorization language, tax provisions (renewable energy and building efficiency tax credits) and energy policy sections. Additionally, DWGP has been a part of efforts to develop the Warehouse for Energy Efficiency Loans, "WHEEL," a secondary market residential energy efficiency financing project. Through our work for NASEO and the Energy Programs Consortium, DWGP has played a seminal role in explaining how

Property Assessed Clean Energy programs can be implemented by state and local governments.

**i. References**

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**j. List of Representative Clients**

Pursuant to Section VI(B)(2) of SCAQMD's RFP, the Firm provides the following list of representative clients:

City of Redding, California  
City of Roseville, California  
City of Santa Clara, California  
Imperial Irrigation District  
Lassen Municipal Utility District  
Modesto Irrigation District  
M-S-R Public Power Agency  
Navajo Tribal Utility Authority  
New York Association of Public Power  
Hawaii Department of Energy  
Midwest Electric Consumers Association  
National Association of Energy Service Companies  
National Association of State Energy Officials  
National Energy Assistance Directors Association  
New York Association of Public Power  
Transmission Agency of Northern California

## **SECTION E - Assigned Personnel**

The key personnel include:

- Jeffrey C. Genzer, Chairman, DWGP, Washington, D.C.
- Sean M. Neal, Shareholder, DWGP, Sacramento, CA
- Clinton Britt, President, Grove Climate Group, LLC
- Eli D. Eilbott, Shareholder, DWGP, Washington, D.C.
- Lauren Perkins, Associate, DWGP Sacramento, California
- Ellen Hill, Associate, DWGP, Washington, D.C.

Jeff Genzer will be the Project Manager. Other than travel to SCAQMD, work will be performed in Washington, D.C. and Sacramento, and not within SCAQMD geographical boundaries. The Project Team's qualifications and training are described below. A table of each of the labor hours proposed for each labor category at the task level follow the Project Team's qualifications.

### *Jeffrey C. Genzer*

Mr. Jeffrey C. Genzer is DWGP's Chairman, having joined the Firm in 1985. Jeff previously served as the Firm's President. Since joining the Firm, he has appeared before numerous state public utilities commissions and federal agencies, and state and federal courts. He has worked on electric and natural gas ratemaking, energy project development, bulk power supply, transmission system issues, contract negotiation, franchise issues, alternative energy resources (including wind, solar, water, geothermal, ocean, biomass, waste, etc.), and energy efficiency programs. Mr. Genzer also has an active federal legislative practice and has worked with a number of local and state governments throughout the United States, from New York to Hawaii. He has spoken on numerous occasions, especially on federal legislative activities, energy, environmental and utility issues. Mr. Genzer presently serves as General Counsel to the National Association of State Energy Officials, the National Association of Energy Service Companies, the National Energy Assistance Directors' Association, and the Energy Programs Consortium, among others. Prior to joining DWGP, Mr. Genzer served as Staff Counsel to the Committee on Energy and Environment of the National Governors Association ("NGA"), where he also worked with the state energy offices. In that role, he drafted legislation, provided legal analysis in the energy and environmental area, and served as the chief energy lobbyist for the Association. While at NGA, Mr. Genzer negotiated with interested parties regarding energy tax policy provisions for renewables. Prior to graduating from the Washington College of Law at American University, Mr. Genzer served as a Peace Corps Volunteer in Micronesia, where he served as the first energy planner in the region. Mr. Genzer's experience representing governmental entities was acknowledged in 2013 when the Energy Bar Association awarded him the State Regulatory Practitioner Award. Mr. Genzer, in

2010, also received the Champion of Energy Efficiency in Buildings Award by the American Council for an Energy Efficient Economy.

Mr. Genzer has decades of experience in convincing elected officials to provide funds for energy efficiency, conservation activities, and renewable energy development as needed investments for states and local government clients. These efforts have been undertaken during the volatile cycles of world energy prices. Mr. Genzer has helped these clients make the case for investments in these activities as critical to the national, state, and local infrastructure. Mr. Genzer has shown how Federal dollars can be leveraged with state and local dollars to demonstrate significant returns for the Federal investment.

Mr. Genzer has worked extensively with and on behalf of trade associations and coalitions comprised of municipal and state entities. For example, he and the Firm have worked closely with the National Association of Counties (“NACO”), the National League of Cities (“NLC”), the U.S. Conference of Mayors, NARUC, the National Association of State Utility Consumer Advocates, the Western Governors’ Association and the Western Interstate Energy Board. Mr. Genzer has conducted energy/utility webinars and presented speeches to NACO and NLC. Mr. Genzer has served as counsel to the NASEO since its inception in 1986.

During consideration of the legislation that led to the Energy Policy Act of 2005, Mr. Genzer co-chaired the ad hoc State and Local Energy Coalition, which met in the Hall of the States on a regular basis to brief state and local associations and individual state representatives on Federal energy legislation and administration action. Mr. Genzer helped the NACAA, NARUC, and NASEO bring together state and local air officials, state energy officials and state utility commissioners, to address issues of joint interest. Communication on these critical energy/environmental issues is a hallmark of Mr. Genzer’s work.

Mr. Genzer, through his representation of state energy offices, state energy assistance directors and municipal utilities, supported programs, policies and partnerships to expand energy efficiency, in particular green building technologies to reduce emissions. He and the Firm have worked extensively on green building issues with EPA/DOE Energy Star, a variety of EPA partnerships programs and the U.S. Green Buildings Council. In addition to the work with NACAA generally, Bill Becker and Jeff Genzer worked with EPA Staff in the mid-1990s on the State Implementation Plan (“SIP”) Call for NOx.

Following the passage of the American Recovery and Reinvestment Act of 2009, Mr. Genzer’s efforts on behalf of state and local governments helped lead to significant resources being directed to energy efficiency, renewable energy and green buildings through the State Energy Program (\$3.1 billion) and Energy Efficiency and Conservation Block Grant Program (\$3.2 billion), and Weatherization Assistance Program (\$5 billion).

*Sean M. Neal*

Mr. Neal is based in the Firm’s Sacramento office, which he helped to open in September 2004 after practicing in Washington, D.C. Mr. Neal has led negotiations on behalf of

municipal utility clients of clean energy power purchase agreements, transmission service and interconnection agreements. Mr. Neal participates regularly on behalf of clients in proceedings before California state agencies, such as the California Public Utilities Commission (“CPUC”), California Energy Commission and CARB. Additionally, Mr. Neal has considerable experience practicing before FERC, and has combined his on-the-ground knowledge of California clients and state issues to be a key player in providing monitoring services to clients, including California Joint Action Agencies. This year, he assisted an industrial client obtain an air permit variance before the San Joaquin Valley Air Pollution Control District.

Mr. Neal has litigated cases before FERC, California State Court and Federal Appellate and District Courts, and the American Arbitration Association. Such cases include the defense of claims arising from the fallout from the California Electricity Crisis of 2000-2001, the allocation and assessment of transmission costs imposed by private utilities and grid operators, and defense of claims of damage caused by a utility to an interconnected generator. Mr. Neal also works with clients to obtain satisfactory results through settlement, and has significant negotiating experience within federal and state agency settlement processes and before private dispute resolution entities, such as JAMS.

#### *Clinton Britt*

Clinton Britt is the President of Grove Climate Group, LLC, which he founded in January 2021. He has nearly 15 years of public policy experience at the federal and state levels. Most recently, Clinton spent 12 years working for Congressman Paul D. Tonko (NY-20), including the past eight as his Chief of Staff. In that role, Clinton managed a staff of over 20 people, overseeing policy, communication, constituent services and other operations. In addition, he served as the chief liaison with the Energy and Commerce Committee, and specifically with Chairman Tonko’s subcommittee on Environment and Climate Change. He routinely interacted with the White House, federal agencies, CEOs, trade groups, business, nonprofits, and other Members of Congress and staff.

Clinton has directly or indirectly helped enact the following laws: wind energy research and development, natural gas turbine research and development, HFC phase-down, weatherization assistance program reauthorization, critical mineral battery recycling at DOE, TSCA, other drinking water related measures, nuclear waste, mental health related matters, safe trucking parking facilities, and more.

Furthermore, he has directly or indirectly advanced legislation through the House of Representatives focusing on EV charging stations, distributed energy permitting, broadband, watersheds, addiction treatment, and others. He co-led the effort with his committee colleagues in January 2020 to write the CLEAN Future Act, the first comprehensive legislative text to address climate change in the House of Representatives in a decade.

Clinton has extensive political experience, particularly with the DCCC, helping dozens of candidates and members with their elections, including serving as Mr. Tonko’s campaign

manager for five different cycles. As campaign manager, Clinton oversaw consultants and approved content to help Mr. Tonko achieve winning vote margins far greater than party enrollment predicted. An important part of that success was creating a strategy to double overall campaign contributions to record levels in 2020 through individual, digital and corporate giving.

As a Stennis fellow in the 116th Congress, Clinton had the chance to spend two years with his colleagues from both parties and both sides of the Capitol developing leadership skills and tackling challenges facing Congress. He has also served as an informal advisor to Pew's bipartisan House Chiefs of Staff Project, the Congressional Soccer Match and others. He currently serves on the board of Backroads PAC, whose mission is to build a community to ensure rural Democrats have the resources they need to run for Congress. Clinton has traveled extensively for his profession, both domestically and internationally, to better understand the energy landscape. Finally, he has extensive public speaking experience, sharing his thoughts on policy, politics, process, and leadership.

*Eli D. Eilbott*

Mr. Eilbott has extensive experience in all the major Federal environmental statutes, including the CAA, RCRA, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or Superfund), the Toxic Substances Control Act ("TSCA"), NEPA, and the Clean Water Act. Mr. Eilbott has defended a municipal utility in responding to a notice of violation issued by a state agency of an air permit under state implementation of the CAA. He has advised a municipal utility on renewal of its Title V operating air permit, and has addressed issues and questions pertaining to mandatory emissions reporting.

Mr. Eilbott also has expertise on solid waste, hazardous waste and site cleanup issues arising under RCRA and CERCLA, and has been extensively involved in facility siting and permitting, U.S. EPA enforcement actions, compliance counseling with respect to the requirements for identifying, treating, storing, shipping, recycling and disposing of hazardous wastes, interpreting the land disposal restrictions and corrective action requirements, and representation before U.S. EPA and State environmental agencies. Mr. Eilbott counseled and represented clients before agencies regarding PCB waste cleanup and management issues arising under TSCA, and Toxic Release Inventory reporting requirements arising under the Emergency Planning and Community Right-To-Know Act. In addition, he provided advice and compliance counseling on the U.S. Department of Transportation's Hazardous Materials Regulations, regarding the packaging, labeling, placarding, shipping paper preparation, accident reporting and other Department of Transportation requirements. Prior to rejoining the Firm, Mr. Eilbott served for five years as Deputy General Counsel of the Environmental Technology Council, a Washington, DC-based national trade association of commercial hazardous waste management companies and contaminated site remediation contractors, and as in-house counsel for M4 Environmental Management, Inc., a high-tech radioactive waste and hazardous waste recycling company jointly owned by Lockheed Martin Corp. and Molten Metal

Technology, Inc. This year, Mr. Eilbott assisted an industrial client obtain an air permit variance before the San Joaquin Valley Air Pollution Control District.

In addition, Mr. Eilbott is a Licensed Patent Attorney and is registered to practice before the U.S. Patent & Trademark Office, and has experience in a number of areas of intellectual property law, including patents, trademarks and copyrights, as well as in the related fields of trade secret, unfair competition and false advertising. Mr. Eilbott is familiar with the electric utility industry, representing clients on ratemakings, tariff amendments, and complaint proceedings before FERC and state courts, hydroelectric facility licensing, bulk power supply, transmission system reliability, and electric contract negotiations.

#### *Lauren Perkins*

As an Associate in the Firm's Sacramento office, Ms. Perkins focuses on energy law and regulation at the federal and state levels. At the federal level, her work involves proceedings at the FERC, including with respect to transmission owner rate cases, California Independent System Operator Corporation ("CAISO") tariff filings, and North American Electric Reliability Corporation matters. Ms. Perkins participates in CAISO stakeholder proceedings and follows developments in the Western Energy Imbalance Market. Prior to joining the Firm, Ms. Perkins interned for the CPUC in the Administrative Law Judge Division, California Department of Transportation, and for the Honorable Thomas J. Whelan at the U.S. District Court, Southern District of California. Ms. Perkins served as President of the Environmental Law Society, and the Symposium Coordinator for the Ninth Annual Climate & Energy Law Symposium in 2017. She wrote a comment on offshore wind for the San Diego Journal of Climate and Energy Law and served as an associate editor in 2016. This November, Ms. Perkins will speak on a panel at the Climate & Energy Law Symposium on the topic of hydroelectric power's potential to help meet climate goals.

At the state level, Ms. Perkins has assisted clients in proceedings at the CPUC, with regard to matters affecting utility rates. Ms. Perkins also focuses on matters relevant to California's goal of achieving environmental policy mandates while maintaining reliability, including developments at CARB with respect to Renewables Portfolio Standard enforcement, and before the CPUC and CAISO with respect to an array of issues, including resource adequacy, and at the CAISO with regard to summer electric grid readiness.

#### *Ellen Hill*

Ms. Hill began her career with DWGP as a Summer Associate in 2019. Upon graduating from law school in 2020, Ms. Hill rejoined DWGP and is duly admitted to practice law in the state of Arizona. She has assisted clients in practice areas relating to energy, electric reliability, environmental, municipal, and cybersecurity, along with various issues relating to telecommunications and water utilities. Ms. Hill has assisted with proceedings before FERC, the Public Service Commission of the District of Columbia, and the Bonneville Power Administration concerning wholesale transmission, ancillary services, and retail distribution rates. She is familiar with both state and federal regulatory law.

During law school, Ms. Hill served as a legal intern for the Honorable D. Brooks Smith, Chief Judge of the United States Court of Appeals for the Third Circuit, where she gained perspective on the inner workings of the federal appellate process. Additionally, Ms. Hill interned with the U.S. Department of Justice's Environment and Natural Resources Division, where she expanded upon her experience with regulatory, administrative, and environmental law.

Prior to attending law school, Ms. Hill was a legislative intern for the Arizona House of Representatives, serving the Committees of Education and Higher Education. In this capacity, Ms. Hill participated in stakeholder discussions and worked closely with state lawmakers.

**Table of Labor Hours for each Labor Category**

<b>Task/Deliverable</b>	<b>Estimated Annual Labor Hours</b>
Recommendations for increasing federal appropriations and funding opportunities	50
Complete strategic and tactical implementation plan for 2022	50
Monthly written briefing covering pertinent activities	60
Written quarterly reports on relevant administrative and legislative actions	60
Analysis of federal legislation affecting air quality and SCAQMD objectives	100
Written report on federal legislative policy meetings attended/monitored	50
Written briefings to the SCAQMD Legislative Committee and Governing Board on federal legislation or policy	60
Recommendations regarding SCAQMD positions on and strategies for federal air quality-related legislation or policies	60
Communications to legislators and key administrative officials conveying SCAQMD positions on various bills and administrative actions	100
Preparing testimony before Congressional committees and/or federal agency hearings	150
Attend meetings on behalf of SCAQMD with legislative representatives and administration members and appointees	120

Negotiate bill language, policies or other federal agency provisions related to environmental, transportation or air quality issues	120
Year-end report	50
Year-end presentation	50
<b>Total Hours:</b>	<b>1080</b>

**SECTION F – Subcontractors**

Mr. Clinton Britt of the Grove Climate Group, LLC will be a subcontractor with DWGP. His deep knowledge of and contacts within Capitol Hill and the Biden Administration will be an instrumental asset to the Project Team, as reflected by the hours and time set forth in Volume II of this proposal.

**SECTION G - Conflict of Interest Statement**

DWGP has reviewed the representation of the Firm’s current clients and has determined that there is no conflict with the potential representation of SCAQMD in Federal legislative representation. If DWGP is retained by SCAQMD for Federal legislative representation and DWGP determines during the course of our representation of SCAQMD that a conflict has arisen, DWGP will promptly notify SCAQMD officials. The Firm will meet with SCAQMD officials to discuss the conflict and reach a satisfactory resolution for both SCAQMD and DWGP. If either SCAQMD or DWGP conclude that our representation of SCAQMD should or must be terminated, DWGP will do our best to protect SCAQMD’s interests by assisting in providing a smooth transition to a new counsel.

VOLUME II – COST PROPOSAL

Request for Proposal No. P2022-01

Legislative Representation  
In Washington, D.C.

Response of

Duncan, Weinberg, Genzer & Pembroke, P.C.

1667 K Street, N.W., Suite 700  
Washington, DC 20006  
and  
915 L Street, Suite 1410  
Sacramento, CA 95814

Contact Person: Jeffrey C. Genzer  
Tel.: 202-467-6370  
Cell: 202-714-9724  
Fax: 202-467-6379  
[jcg@dwgp.com](mailto:jcg@dwgp.com)

October 4, 2021

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**Proposer:**

Duncan, Weinberg, Genzer & Pembroke, P.C. ("DWGP")

1667 K Street, NW, Suite 700  
Washington, D.C. 20006  
202-467-6370

915 L Street, Suite 1410  
Sacramento, CA 95814  
916-498-0121

DWGP proposes a \$34,000 Flat Monthly Fee for representation services rendered to the South Coast Air Quality Management District ("SCAQMD"). This fee approximates the corresponding charges for the monthly hours estimated to be worked, as reflected in the table below.

**A. Labor**

The following table lists DWGP's fully burdened hourly rates for each level of professional staff. DWGP requests confidential treatment as to the rates listed below. Costs estimated for each of the components of the work plan follow at the end of this Volume.

Professionals and Staff	Hourly Rate	Estimated Hours/mo.
Senior Shareholders (Including Jeff Genzer, Eli Eilbott, and Sean Neal)	\$435/hr	20
Other Shareholders	\$410/hr	
Senior Associates	\$350/hr	
Other Associates (Including Lauren Perkins and Ellen Hill)	\$310/hr	15
Regulatory Policy Director	\$265/hr	
Non-Attorney Research Analyst (Including Theju Prasad)	\$215/hr	15
Senior Paralegal	\$175/hr	
Paralegal/Law Clerks	\$145/hr	
		Total Hours: 50

## B. Subcontractor Costs

The following table lists Grove Climate Group, LLC's fully burdened hourly rates for each level of professional staff. Grove Climate Group, LLC requests confidential treatment as to the rates listed below.

Professionals and Staff	Hourly Rate	Estimated Hours/mo.
Senior Principal (Clinton Britt)	\$435/hr	40

## C. Travel Costs

Travel Costs (including airline fare/mileage expense, per diem costs, lodging and car rental) – Two trips per year from the East Coast	\$5,000/year
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## D. Other Direct Costs

Other Direct Costs (e.g., postage and mailing; bulk printing and reproduction costs, etc.)	\$250/year
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**ATTACHMENT A: Costs Estimated for Each of the Components of the Work Plan**

<b>Task/Deliverable</b>	<b>Estimated Annual Labor Hours</b>	<b>Shareholders &amp; Subcontractor Hours</b>	<b>Associates Hours</b>	<b>Analyst Hours</b>	<b>Cost</b>
Recommendations for increasing federal appropriations and funding opportunities	50	30	10	10	\$18,300
Complete strategic and tactical implementation plan for 2022	50	30	10	10	\$18,300
Monthly written briefing covering pertinent activities	60	40	10	10	\$22,650
Written quarterly reports on relevant administrative and legislative actions	60	40	10	10	\$22,650
Analysis of federal legislation affecting air quality and SCAQMD objectives	100	40	30	30	\$33,150
Written report on federal legislative policy meetings attended/monitored	50	30	10	10	\$18,300
Written briefings to the SCAQMD Legislative	60	40	10	10	\$22,650

Committee and Governing Board on federal legislation or policy						
Recommendations regarding SCAQMD positions on and strategies for federal air quality-related legislation or policies	60	40	10	10	\$22,650	
Communications to legislators and key administrative officials conveying SCAQMD positions on various bills and administrative actions	100	60	20	20	\$36,600	
Preparing testimony before Congressional committees and/or federal agency hearings	150	90	30	30	\$54,900	
Attend meetings on behalf of SCAQMD with legislative representatives and administration members and appointees	120	120	0	0	\$52,200	
Negotiate bill language, policies or other federal agency provisions related to environmental, transportation or air quality issues	120	100	10	10	\$48,750	
Year-end report	50	30	10	10	\$18,300	

Year-end presentation	50	30	10	10	\$18,300
<b>Total:</b>	<b>1080</b>	<b>720</b>	<b>180</b>	<b>180</b>	<b>\$407,700.00</b>

VOLUME III – CERTIFICATIONS AND REPRESENTATIONS

Request for Proposal No. P2022-01

Legislative Representation  
In Washington, D.C.

Response of

Duncan, Weinberg, Genzer & Pembroke, P.C.

1667 K Street, N.W., Suite 700  
Washington, DC 20006

and

915 L Street, Suite 1410  
Sacramento, CA 95814

Contact Person: Jeffrey C. Genzer

Tel.: 202-467-6370

Cell: 202-714-9724

Fax: 202-467-6379

[jcg@dwgp.com](mailto:jcg@dwgp.com)

October 4, 2021



# 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	Duncan, Weinberg, Genzer & Pembroke, P.C.
Division of	n/a
Subsidiary of	n/a
Website Address	<a href="http://www.dwgp.com">www.dwgp.com</a>
Type of Business Check One:	<input type="checkbox"/> Individual <input type="checkbox"/> DBA, Name _____, County Filed in _____ <input checked="" type="checkbox"/> Corporation, ID No. <u>DC: 762931</u> ; CA Foreign PC: <u>C2657643</u> <input type="checkbox"/> LLC/LLP, ID No. _____ <input type="checkbox"/> Other _____

## REMITTING ADDRESS INFORMATION

Address	Duncan, Weinberg, Genzer & Pembroke, P.C.		
	1667 K Street, N.W. Suite 700		
City/Town	Washington		
State/Province	DC	Zip	20006
Phone	( 202 ) 467 - 6370 Ext	Fax	( 202 ) 467 -6379
Contact	Jeffrey C. Genzer	Title	Shareholder and Chair of the Board
E-mail Address	<a href="mailto:jcg@dwgp.com">jcg@dwgp.com</a>		
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**

Form **W-9**  
(Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

## 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.	<p><b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. <b>Duncan, Weinberg, Genzer &amp; Pembroke, P.C.</b></p> <p><b>2</b> Business name/disregarded entity name, if different from above</p> <p><b>3</b> 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.</p> <p><input type="checkbox"/> Individual/sole proprietor or single-member LLC    <input checked="" type="checkbox"/> C Corporation    <input type="checkbox"/> S Corporation    <input type="checkbox"/> Partnership    <input type="checkbox"/> Trust/estate</p> <p><input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____</p> <p><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 not 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.</p> <p><input type="checkbox"/> Other (see instructions) ▶ _____</p> <p><b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):</p> <p>Exempt payee code (if any) _____</p> <p>Exemption from FATCA reporting code (if any) _____</p> <p style="font-size: x-small;">(Applies to accounts maintained outside the U.S.)</p> <p><b>5</b> Address (number, street, and apt. or suite no.) See instructions. <b>1667 K Street, N.W. Suite 700</b></p> <p><b>6</b> City, state, and ZIP code <b>Washington, D.C. 20006</b></p> <p><b>7</b> List account number(s) here (optional)</p> <p style="text-align: right; font-size: small;">Requester's name and address (optional)</p>
--	---

**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.

Social security number										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; height: 20px;"> </td> </tr> </table>										
or										
Employer identification number										
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5	2	-	1	0	7	3	5	4	4	

**Part II Certification**

Under penalties of perjury, I certify that:

- 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
- 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
- I am a U.S. citizen or other U.S. person (defined below); and
- 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 ▶ <b>Oct 4, 2021</b>
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### 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.*

## 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.

Sean M. Neal, Shareholder & Secretary

\_\_\_\_\_  
Typed Name & Title of Authorized Representative



Oct. 4, 2021

\_\_\_\_\_  
Signature of Authorized Representative Date

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



### 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 (South Coast AQMD) 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 South Coast AQMD 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 South Coast AQMD; and further prohibits a campaign contribution from being made for three (3) months following the date of the final decision by the Governing Board or the MSRC on a donor's contract or permit. Gov't Code §84308(d). For purposes of reaching the \$250 limit, the campaign contributions of the bidder or contractor plus contributions by its parents, affiliates, and related companies of the contractor or bidder are added together. 2 C.C.R. §18438.5.

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

#### **SECTION I.**

**Contractor (Legal Name):** Duncan, Weinberg, Genzer & Pembroke, P.C.

DBA, Name <u>n/a</u> , County Filed in <u>n/a</u>
Corporation, ID No. <u>DC: 762931; CA Foreign PC: C2657643</u>
LLC/LLP, ID No. <u>n/a</u>

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

n/a

#### **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: Sean M. Neal

Sean M. Neal

Title: Shareholder and Secretary

Date: October 4, 2021

**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.

**Staff Response to Bid Protest by DWG&P**

Staff’s response below shows the potential adjustment to the scores if the DWG&P’s cost were compared to the total cost of the three recommended bidders. The response also includes the relevant portions of RFP 2122-01 regarding the Governing Board’s discretion to make awards to more than one proposer and increase the award amount, and the relevant portions of the Procurement Policy & Procedure regarding giving preference to the lowest cost responsible bidder and contracting for consultant and professional services. The entire RFP and Procurement Policy & Procedure are also available upon request.

**A. Cost Scores**

Pursuant to Section IX.B.4. of the RFP, points are awarded for costs on a prorated basis:

*The lowest cost proposal will be awarded the maximum cost points available and all other cost proposals will receive points on a prorated basis. For example, if the lowest cost proposal is \$1,000 and the maximum points available are 30 points, this proposal would receive the full 30 points. If the next lowest cost proposal is \$1,100 it would receive 27 points reflecting the fact that it is 10% higher than the lowest cost (90% of 30 points = 27 points).*

The Monares Group received 30 points for having the lowest cost at \$193,200, and the rest of the bidders received cost scores on a prorated basis pursuant to the example above:

**RFP #P2122-01 Scores and Cost Matrix**

<b>Firm</b>	<b>Technical Score</b>	<b>Cost Score</b>	<b>Additional Points</b>	<b>Total Score</b>	<b>Cost</b>
Carmen Group	66	25.5	12	103.5	\$222,090
Cassidy & Associates	66	26.5	0	92.5	\$216,000
Kadesh & Associates	69	24.8	10	103.8	\$226,392
DWG&P	56	0	0	56	\$408,000
The Monares Group	56	30	0	86	\$193,200

If DWG&P’s cost of \$408,000 were compared to the three recommended bidders’ total cost of \$664,482, and DWG&P receives 30 points for having the lowest cost, the recommended bidders would receive a cost score of 11.1, because their combined total cost is 62.9% more than DWG&P’s cost:

**RFP #P2122-01 Adjusted Scores and Cost Matrix**

<b>Firm</b>	<b>Technical Score</b>	<b>Cost Score</b>	<b>Additional Points</b>	<b>Total Score</b>	<b>“Linked” Cost</b>
Carmen Group	66	11.1	12	89.1	\$664,482
Cassidy & Associates	66	11.1	0	77.1	\$664,482
Kadesh & Associates	69	11.1	10	90.1	\$664,482
DWG&P	56	30	0	86	\$408,000

The above matrix does not include The Monares Group. If The Monares Group were included, it would receive the maximum 30 points instead of DWG&P, as it would still be the lowest cost bid at \$193,200.

**B. RFP Language**

Below are the relevant portions of RFP #P2022-01 relating to the Governing Board’s discretion to make awards to more than one proposer and to increase the amount awarded:

Section IX.G:

*The Executive Officer or Governing Board may award contracts to more than one proposer if in (his or their) sole judgment the purposes of the (contract or award) would best be served by selecting multiple proposers.*

Section IX.H:

*If additional funds become available, the Executive Officer or Governing Board may increase the amount awarded. The Executive Officer or Governing Board may also select additional proposers for a grant or contract if additional funds become available.*

**C. Procurement Policy & Procedure**

Under the Procurement Policy & Procedure, the Governing Board may award the contract to a bidder other than the lowest cost bidder:

Section VI.B.3:

*The Executive Officer and/or Governing Board may award the contract to a bidder, other than the bidder determined to be the lowest bidder, in the event the Executive Officer and/or the Governing Board determine that another bidder would provide the best value to the South Coast AQMD. In such case, the supporting rationale for such a determination must be provided. The determination shall be on the bids or quotations and on evidence provided in the quotation and/or any other evidence provided during the*

*bid review process. Evidence provided during the bid review process is limited to clarification by the bidder of information presented in his/her proposal/quotation.*

Preference for the lowest cost, responsible bidder preference is expressly called for when contracting for construction, alteration and improvement of South Coast AQMD facilities:

Section V.B.4:

*The South Coast AQMD Board shall, to the greatest extent practicable, award the contract to the lowest cost responsive bidder, except as provided in Section VI.(B).*

However, there is no similar lowest cost bidder preference for contracting for consulting and professional services, such as legislative representation. Section VIII, regarding contracting for consulting and professional services, is reproduced in its entirety below.

## **SECTION VIII: CONTRACTING FOR CONSULTING AND PROFESSIONAL SERVICES**

### **A. General**

1. It is the policy of the South Coast AQMD to utilize the most highly qualified professional services to carry out the responsibilities of the South Coast AQMD.
2. Due to the nature of the work to be performed or the staffing level required, it may, from time to time, be necessary to utilize the services of outside contractors/consultants who are not employees of the South Coast AQMD.

### **B. Contracting Methods**

1. Proposals subject to this Section shall be advertised pursuant to the provisions of Section VII unless the Executive Officer waives the bidding requirements of this Section based upon a written documentation justifying a sole-source award, as described below.
2. Except for contracts funded in whole or in part with federal funds, written justification for a sole-source award must be provided documenting that:
  - a. The cost of labor for preparation of the described documents exceeds the possible savings that could be derived from such detailed documents; or
  - b. Public health or property may be endangered by delay; or
  - c. The desired services are available from only the sole-source based upon one or more of the following reasons:
    - (1) The unique experience and capabilities of the proposed contractor or contractor team;
    - (2) The project involves the use of proprietary technology;
    - (3) The contractor has ownership of key assets required for project performance; or

- d. Other circumstances exist which in the determination of the Executive Officer require such waiver in the best interests of the South Coast AQMD. Such circumstances may include but are not limited to:
  - (1) Projects involving cost sharing by multiple sponsors
  - (2) Time extension of an existing contract;
  - (3) Projects involving a commitment to multiple project phases;
  - (4) Level-of-effort expert consultation services;
  - (5) Performance of South Coast AQMD work concurrent with local government official duties;
  - (6) Projects requiring compatibility with existing specialized equipment;
  - (7) Cooperative internship programs with accredited colleges and universities;
  - (8) Research and development efforts with educational institutions or nonprofit organizations.
- 3. For contracts funded in whole or in part with federal funds, written justification for sole-source award must be provided documenting that awarding a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and that one of the following circumstances applies:
  - a. The item is available only from a single source;
  - b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
  - c. The awarding Federal agency or pass-through entity expressly authorizes non-competitive proposals in response to a written request from the non-Federal entity; or
  - d. After solicitation of a number of sources, competition is determined inadequate.

#### C. Selecting the Appropriate Contracting Method

- 1. Prior to the letting of a contract for consulting or professional services, South Coast AQMD staff shall prepare the following, as applicable:
  - a. A written assessment of the objectives of the project or study in which previous work, if any, on the same subject shall be reviewed, including an assessment of current and future South Coast AQMD needs for the project and an estimate of the project cost;
  - b. A statement of work to be performed in carrying out the project or study;
  - c. A statement of the qualifications of persons necessary to perform the work including a description of experience, education, and training, and related work in general and specific fields; and

- d. An assessment of the resources needed to carry out the project or study including, facilities, laboratory, equipment, and computer hardware and software.
2. Based upon an evaluation of the documentation prepared pursuant to Paragraph C1 and any other information deemed necessary, the Executive Officer or his or her designee shall:
  - a. Evaluate the ability of South Coast AQMD staff to perform all or part of the work, taking into consideration South Coast AQMD staff resources and other work being performed by South Coast AQMD staff; or
  - b. If it is determined that all or part of the work should be done pursuant to a contract for professional consulting services, the Executive Officer shall determine if the services shall be procured on a sole-source basis in accordance with the criteria set forth in Paragraph B2 above or a competitive basis. On federally funded procurements, the requirements of Paragraph B3 above shall be applicable in accordance with 40 CFR 31.36 or applicable federal regulation. On contracts for budgeted consulting or professional services over \$100,000 or unbudgeted consulting or professional services over \$10,000, the Executive Officer shall recommend to the South Coast AQMD Board that a sole-source contract be awarded. If a sole-source contract is approved by the South Coast AQMD Board, it may designate who is authorized to execute the contract.
3. If it is determined that the services should be procured competitively, the South Coast AQMD staff member responsible for originating the requirement shall prepare an RFP using the most current version of the sample RFP contained on the South Coast AQMD computer network and prepare a Bidders Mailing List. At a minimum, the RFP should contain the following areas specifically tailored to the requirement:
  - a. Background/Schedule of Events
  - b. Section III of the South Coast AQMD Procurement Policy
  - c. Work Statement/Schedule of Deliverables
  - d. Required Qualifications
  - e. Proposal Submittal Requirements
  - f. Proposal Evaluation Criteria
  - g. Draft Contract
  - h. Certifications and Representations
4. All RFPs must be reviewed by the Manager of the Procurement Section prior to assignment of an RFP number by Procurement staff. RFPs for budgeted consulting or professional services over \$100,000 that deviate from approved South Coast AQMD RFP evaluation criteria and RFPs for unbudgeted consulting or professional services over \$10,000 must be approved by the South Coast AQMD Board prior to release. RFPs for budgeted consulting or professional services up to \$100,000 and unbudgeted consulting or professional services under \$10,000 that comply with South Coast AQMD RFP evaluation criteria shall be approved by the Executive Officer or his or her designee.

5. RFPs estimated to exceed \$25,000 will be advertised in accordance with the procedures set forth in Section VII. The Notice Inviting Proposals shall specify the services sought and the date by which proposals are required, which date shall be at least 30 days from the date and time the RFP is mailed. Waiver of the 30-day period may be approved by the Executive Officer.

D. Proposal Evaluation and Contract Award

1. Sole-source proposals or a competitive proposal which is the sole response to an RFP should be evaluated by the originator of the requirement to ensure that the proposal is technically acceptable and that the proposed amount is reasonable based on previous proposals for similar work, knowledge of the marketplace, and South Coast AQMD's independent cost estimate. Documentation regarding the reasonableness of the proposed cost must be included in the project file compiled by the originator. The Single/Sole-Source Procurement Request form approved by the Executive Officer, shall be included with the documentation supplied to the Contracts Unit as detailed in Section III.K.i.
2. Competitive proposals will be evaluated by a panel of three-to-five South Coast AQMD staff familiar with the subject matter of the project. The panel shall be appointed by the Executive Officer or his or her designee to evaluate the submitted proposals. In addition, the evaluation panel may include such outside public sector or academic community expertise as deemed desirable by the Executive Officer. The Executive Officer or his or her designee shall appoint a chairman from this group.

a. Evaluation of Proposals.

Each member of the evaluation panel shall be accorded equal weight in his or her rating of the proposals. The evaluation panel members shall evaluate the proposals according to specified criteria and shall assign a numerical score to each evaluation factor. Suggested guidelines for technical criteria and weightings are set forth below but may be modified by the RFP originator based upon the specific project requirements and approval by the responsible Deputy Executive Officer.

b. Sample Proposal Evaluation Criteria

(1)	Standardized Services	<u>Points</u>
	Understanding of Requirement	20
	Contractor Qualification	20
	Past Experience	10
	Cost	<u>50</u>
	TOTAL:	100
(2)	R&D Projects Requiring Technical or Scientific Expertise, or Special Projects Requiring Unique Knowledge or Abilities	

Understanding the Problem	20
Technical/Management Approach	20
Contractor Qualifications	20
Previous Experience on Similar Projects	10
Cost	<u>30</u>
TOTAL	100

(3) Additional Points

Small Business or Small Business Joint Venture	10
DVBE or DVBE Joint Venture	10
Benefits Incentive Business	10
Use of DVBE or Small Business Subcontractors	7
Zero or Near-Zero	
Emission Vehicle Business (for supply contracts)	5
Local Business (Non-Federal Funded Projects)	5
Off-Peak Hours Delivery Business	2
Most Favored Customer	2

To receive additional points in the evaluation process for the categories of Small Business or Small Business Joint Venture, DVBE or DVBE Joint Venture or Local Business (for non-federal funded projects), the proposer must submit a self-certification or certification from the State of California Office of Small Business Certification and Resources at the time of proposal submission certifying that the proposer meets the requirements set forth in Section III. To receive points for the use of DVBE and/or Small Business subcontractors, at least 25 percent of the total contract value must be subcontracted to DVBEs and/or Small Businesses. To receive points as a Zero or Near-Zero Emission Vehicle Business, the proposer must demonstrate to the Executive Officer, or designee, that supplies and materials delivered to the South Coast AQMD are delivered in vehicles that operate in accordance with the definition provided in Section III.B.7. To receive points as a Local Business, the proposer must affirm that it has an ongoing business within the South Coast AQMD at time of the bid/proposal submittal and that 90% of the work related to the contract will be performed within the South Coast AQMD. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points. Federally funded projects are not eligible for local business incentive points. To receive points as an Off-Peak Hours Delivery Business, the proposer must submit, at proposal submission, certification of its commitment to delivering supplies and materials to South Coast AQMD between the hours of 10:00 a.m. and 3:00 p.m. To receive points for Most Favored Customer status, the proposer must submit, at proposal submission, certification of its commitment to provide most favored customer status to the South Coast AQMD. To receive points as a Benefits Incentive Business, the proposer must provide, at a minimum, health insurance at one of the levels identified in Paragraph d below. Documentation showing proof of such insurance coverage must be submitted

with the proposal. The cumulative points awarded for Small Business, DVBE, use of Small Business or DVBE Subcontractors, Benefits Incentive Business, Local Business, Zero or Near-Zero Emission Vehicle Business and Off-Peak Hour Delivery Business shall not exceed 15 points. An additional 2 points can be awarded to those firms certifying Most Favored Customer pricing, for a total of 17 points possible.

- c. The Procurement Section will be responsible for monitoring compliance of suppliers awarded purchase orders based upon use of zero or near-zero emission vehicles or off-peak traffic hour delivery commitments through the use of vendor logs which will identify the contractor awarded the incentive. The purchase order shall incorporate terms which obligate the supplier to deliver materials in zero or near-zero emission vehicles or deliver during off-peak traffic hours. The Receiving department will monitor those qualified supplier deliveries to ensure compliance to the purchase order requirements. Suppliers in non-compliance will be subject to a two percent of total purchase order value penalty. The Procurement Manager will adjudicate any disputes regarding either zero or near-zero emission vehicle or off-peak hour deliveries.
- d. Benefits Incentive Businesses, in order to receive 10 additional points, must provide affordable health insurance to full-time employees, which are defined as employees who work 30 hours or more per week. Affordable health insurance is defined to mean meeting or exceeding the following minimum levels of coverage:

#### **Employee Deductibles/Fees**

##### **PPO Plan Design**

In-Network Deductible \$500 single

In-Network Out-of-Pocket Maximum \$2,500

Out-of-Network Co-pay 30%

Office Visit Co-pay \$20 per visit

Retail Drug Co-pay \$11 (generic)/\$24(premium)/\$44(nonformulary)

Mail Order Drug Co-pay \$14 (generic) /\$32 (premium)/\$57 (nonformulary)

Single Contribution 10% or less of premium

##### **HMO Plan Design**

Office Visit Co-pay \$20

Inpatient Hospitalization \$250 deductible

Emergency Room Co-pay \$50 per visit

Retail Drug Co-pay \$11 (generic)/\$24(premium)/\$44(nonformulary)

Mail Order Drug Co-pay \$14 (generic) /\$32 (premium)/\$57 (nonformulary)

Single Contribution 10% or less of premium

Documentation to prove insurance coverage may include quotes from health insurance providers or a copy of the most recent health insurance invoice, with an attached Plan Summary. Documentation must not include medical information, employee names, or any personal employee information. An officer of the bidding company must certify in writing that the health insurance information provided is true and accurate and that, if selected, the company will provide health insurance to its full-time employees for the duration of the contract term at the same levels shown above or better. The selected Contractor will be required to update the proof of health insurance on an annual basis and to provide a certified copy of payroll if requested.

- e. For procurement of standardized services, technical factors including past experience shall be weighted at 50 points and cost shall be weighted at 50 points. For procurement of Research and Development (R & D) projects or projects requiring technical or scientific expertise or special projects requiring unique knowledge and abilities, technical factors including past experience shall be weighted at 70 points and cost shall be weighted at 30 points, subject to other provisions of this policy. A proposal must receive at least 56 out of 70 points, or 80 percent of the possible technical points, as applicable, on R & D projects and projects for unique technical expertise in order to be deemed qualified for award.
- f. The responsible staff person shall prepare a summary of the proposal evaluations and a recommendation for the award to his or her responsible Deputy Executive Officer.
- g. The Executive Officer and/or Governing Board may award the contract to a proposer other than the proposer receiving the highest rating. In the event the Executive Officer and/or Governing Board determine that another proposer from among those technically qualified would provide the best value to the South Coast AQMD considering cost and technical factors, supporting rationale for such a determination must be provided. The determination shall be based solely on the Evaluation Criteria contained in the RFP, on evidence provided in the proposal and on any other evidence provided during the proposal review process. Evidence provided during the proposal review process is limited to clarification by the proposer of information presented in proposal.
- h. Contracts for budgeted consulting or professional services over \$100,000 and for unbudgeted consulting or professional services over \$10,000 must be approved by the South Coast AQMD Board. The Executive Officer may approve up to an additional \$100,000 in costs in each subsequent fiscal year. Contracts for budgeted consulting or professional services of \$100,000 or less and contracts for unbudgeted consulting or professional services of \$10,000 or less shall be approved by the Executive Officer and the Executive Officer may approve up to an additional \$100,000 in costs in each subsequent fiscal year. After approval by the Executive Officer or South Coast AQMD Board, the responsible staff person shall prepare a Contract Request Approval

Memorandum, Scope Statement, Work Statement, and Cost or Payment Schedule and forward these documents to the Contracts Unit.

- i. The Contracts Unit will prepare the contract and forward all documents to the responsible staff person for final approvals by the DEO, or ADEO as applicable, Manager of the Procurement Section, South Coast AQMD Counsel and the Executive Officer. If the contract is funded in whole or in part with federal funds, the contract shall incorporate the awarding federal agency's applicable contract provisions as specified in the awarding agency's regulations (e.g. 40 CFR Part 31.36(i) for EPA grants, and 10 CFR Part 600.148 for DOE grants).
- j. Once approved, the Executive Officer or his or her designee or the Chair of the South Coast AQMD Board, and the successful proposer's authorized official will execute the contract.