



BOARD MEETING DATE: September 3, 2021

AGENDA NO. 13

PROPOSAL: Approve Contract Modification and Bifurcation of Award and Issue RFP as Approved by MSRC

SYNOPSIS: The MSRC approved a modification to a contract under the Local Government Match Program as part of their FYs 2014-16 Work Program. The MSRC also approved the bifurcation of a previous award under the Zero and Near-Zero Emission Cargo Handling Equipment in Riverside and San Bernardino Counties Program as part of their FYs 2018-21 Work Program. In addition, the contract for the MSRC's Technical Advisor expires December 30, 2021. To ensure continuation of these services the MSRC approved the release of an RFP to solicit Technical Advisor services. At this time, the MSRC seeks Board approval of the modification and bifurcation as part of the FYs 2014-16 and 2018-21 Work Programs and to release the RFP.

COMMITTEE: Mobile Source Air Pollution Reduction Review, August 19, 2021; Recommended for Approval

RECOMMENDED ACTIONS:

1. Approve modified contract with the City of Placentia, substituting the installation of seven dual-outlet Level II charging stations and one Level III charging station instead of fourteen Level II charging stations as previously approved, as part of approval of the FYs 2014-16 Work Program, as described in this letter;
2. Approve bifurcation of original \$3,000,000 award under the Zero and Near-Zero Emission Cargo Handling Equipment at Warehouse, Distribution and Intermodal Facilities in Riverside and San Bernardino Counties Program to ITS Technologies and Logistics, LLC dba ITS ConGlobal to procure and deploy up to 12 zero-emission electric yard tractors and associated charging infrastructure into a \$1,686,900 award to ITS for the yard tractors and a \$1,313,100 award to Burlington Northern Santa Fe Railway Company for the charging infrastructure, as part of approval of the FYs 2018-21 Work Program, as described in this letter;

3. Issue RFP for Technical Advisor Services for two-year period beginning January 1, 2022, with a two-year option term to extend, as described in this letter and in the attachment; and
4. Authorize the Board Chair to execute new and modified contracts under FYs 2014-16 and 2018-21 Work Programs, as described above and in this letter.

Larry McCallon,
Chair, MSRC

MMM:AK:CR

Background

In September 1990, Assembly Bill 2766 was signed into law (Health & Safety Code Sections 44220-44247) authorizing an annual \$4 motor vehicle registration fee to fund the implementation of programs exclusively to reduce air pollution from motor vehicles. AB 2766 provides that 30 percent of the annual \$4 vehicle registration fee subvented to South Coast AQMD be placed into an account to be allocated pursuant to a work program developed and adopted by the MSRC and approved by the Board.

Outreach

In accordance with South Coast AQMD's Procurement Policy and Procedure, public notices advertising the Technical Advisor Services RFP will be published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, and Riverside County's Press Enterprise to leverage the most cost-effective method of outreach to the South Coast Basin. In addition, the solicitation will be advertised in the Desert Sun newspaper for expanded outreach in the Coachella Valley.

Additionally, potential bidders may be notified utilizing South Coast AQMD's own electronic listing of certified minority vendors. Notice of the solicitation will be e-mailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations, and placed on South Coast AQMD's website (<http://www.aqmd.gov>). Further, the solicitation will be posted on the MSRC's website at <http://www.cleantransportationfunding.org> and electronic notifications will be sent to those subscribing to this website's notification service.

Proposals

At its August 19, 2021 meeting, the MSRC considered recommendations from the MSRC-Technical Advisory Committee (TAC) and approved the following:

FYs 2014-16 Local Government Match Program

As part of the FYs 2014-16 Local Government Match Program, the MSRC originally approved an award of \$90,000 to the City of Placentia for the installation of a bicycle locker and 14 Level II charging stations, at least four of which were required to be accessible to the public. Subsequently, the City reassessed their needs and determined that they would be better served by the installation of a total of seven dual-outlet Level II charging stations, six of which would be limited access and one which would have public access, plus the installation of one limited access Level III charging station to support their Tesla Police Patrol Unit pilot program, instead of the 14 Level II stations originally approved. The City also requested to eliminate the tasks and funding associated with the bicycle locker. The MSRC considered and approved the City's requested contract modifications.

FYs 2018-21 Inland Ports Zero and Near-Zero Emission Cargo Handling

In March 2021, the MSRC approved several awards for on- and off-road goods movement projects associated with the "Inland Ports"—warehouse and distribution facilities located in Riverside and San Bernardino Counties. Among these was a \$3,000,000 award to ITS Technologies and Logistics, LLC dba ITS ConGlobal to procure and deploy up to 12 zero-emission electric yard tractors and associated charging infrastructure. Subsequent to the award, clarification was obtained that the charging infrastructure would be owned and operated by property owner Burlington Northern Santa Fe Railway Company (BNSF). In order to enhance accountability in administration of the project, it was recommended that the award be bifurcated into a \$1,686,900 award to ITS Technologies and Logistics, LLC and a \$1,313,100 award to BNSF. The MSRC considered and approved the bifurcation. No other aspects of the project would be changed.

MSRC Technical Advisor Services

The MSRC retains a Technical Advisor for programmatic and technical assistance. At their August 19, 2021 meeting, the MSRC approved release of an RFP #P2022-05 to solicit Technical Advisor services for an initial two-year period beginning January 1, 2022, with a two-year option term to extend. The purpose of the Technical Advisor is to provide independent, objective assistance and advice to the MSRC and the MSRC-TAC. The RFP includes the following scoring criteria: Technical Qualifications/Experience; Technical Approach; Proposed Cost; Past Performance; and DVBE/Local Business/Small Business status. As long as expertise and qualifications meet the requirements, individually or collectively, proposals may be submitted by: 1) a single independent contractor; 2) two or more independent contractors submitting a

joint proposal; or 3) a consulting firm designating a team of key personnel. Proposals are due by October 14, 2021.

At this time, the MSRC requests the South Coast AQMD Board approve the contract modification and bifurcation of award as part of approval of the FYs 2014-16 and 2016-18 AB 2766 Discretionary Fund Work Programs as outlined above. The MSRC also requests the Board approve release of the RFP and authorize the South Coast AQMD Board Chair to execute all agreements described in this letter.

Resource Impacts

South Coast AQMD acts as fiscal administrator for the AB 2766 Discretionary Fund Program (Health & Safety Code Section 44243). Money received for this program is recorded in a special revenue fund (Fund 23) and any contracts awarded in response to the solicitation will be paid from this fund.

Attachment

RFP #P2022-05 – Technical Advisor Services for the MSRC



REQUEST FOR PROPOSALS P2022-05

**For Technical Advisor Services
for the Mobile Source Air
Pollution Reduction Review Committee
(MSRC)**

September 3, 2021

The Mobile Source Air Pollution Reduction Review Committee (MSRC) requests proposals for technical advisor services pursuant to the terms and conditions outlined in this Request for Proposals (RFP). In the preparation of this RFP, the words "Proposer," "Contractor," "Consultant," "Bidder," and "Independent Contractor" are used interchangeably.

PURPOSE

The purpose of this RFP is to solicit proposals from consultants with strong technical expertise to provide services as the Technical Advisor to the MSRC. So long as expertise and qualifications meet the requirements, individually or collectively, proposals may be submitted by: 1) a single independent contractor, 2) two or more independent contractors submitting a joint proposal; or 3) a consulting firm designating a team of key personnel. The purpose of the Technical Advisor is to provide independent, objective assistance and advice to the MSRC and the MSRC's Technical Advisory Committee (MSRC-TAC) on technical issues related to the AB 2766 Discretionary Fund Program and projects funded under the MSRC's Work Program. The successful Bidder must enter into a Time & Materials (T&M) type contract with the South Coast Air Quality Management District (South Coast AQMD) in order to receive reimbursement for T&M incurred under this contract. This RFP is also being used to supplement existing MSRC-TAC and MSRC staff resources with specialized outside expertise.

The MSRC requires an independent contractor for Technical Advisor services to plan, implement and monitor its Work Program pursuant to Health & Safety Code Sections 44220-44247. Proposer shall have general business office equipment at their primary office location. However, should Proposer desire, the MSRC shall also make available to the Contractor as a convenience, the following at no additional cost to the Contractor and for the purposes of fulfilling the duties under this contract. These items are all located at South Coast AQMD Headquarters in Diamond Bar, California:

1. computer, printer, scanner and digital camera
2. telephone and copier machine
3. miscellaneous general office supplies
4. on-site print shop services
5. on-site mail services (postage & handling)
6. on-site office space and office furnishings including access and use of conference center facilities
7. on-site parking

The period of performance will be for a base 24-month term beginning January 1, 2022 and ending December 31, 2023. The contract will contain an option provision to renew the contract for an additional 24-month term based upon the MSRC's determination of satisfactory performance by the Technical Advisor. Supplemental funding for each additional term of the contract will require review and approval by the MSRC and subsequent SCAQMD approval as part of the MSRC Work Program and is contingent upon this review and approval.

INDEX - The following Sections are contained in this RFP:

Section I	Introduction/Background Information
Section II	Contact Persons
Section III	Schedule of Events
Section IV	Statement of Work/Schedule of Deliverables
Section V	Required Qualifications
Section VI	Proposal Format and Submittal Requirements
Section VII	Proposal Submission
Section VIII	Audit Procedures
Section IX	Proposal Evaluation Process
Section X	Contractor Selection Criteria
Section XI	DVBE/Local Business/Small Business Status
Section XII	Draft Standard Contract
	Attachment A - Certifications and Representations

SECTION I: INTRODUCTION/BACKGROUND INFORMATION

In September 1990, Assembly Bill 2766 was signed into law (Health & Safety Code Sections 44220-44247). This legislation authorizes the imposition of an additional motor vehicle registration fee of \$2 in 1991 and \$4 in 1992 and subsequent years to fund the implementation of programs to reduce air pollution from mobile sources pursuant to air quality management plans and provisions of the California Clean Air Act. The provisions of the bill stated that the fee would be imposed by non-attainment air pollution control districts upon the approval of the fee and a corresponding program to reduce mobile source air pollution by the Governing Board of the SCAQMD. In November of 1990, the SCAQMD Governing Board approved the \$2 fee to be levied beginning April 1, 1991, and the \$4 fee to be levied on April 1, 1992, and thereafter.

AB 2766 also provided that the monies collected by the Department of Motor Vehicles would be distributed to the SCAQMD for distribution in the following manner: thirty cents of every dollar shall be used by the SCAQMD for programs to reduce air pollution from motor vehicles and to carry out planning, monitoring, enforcement and technical studies which are authorized by, or necessary to implement, the California Clean Air Act; forty cents of every dollar shall be distributed by the SCAQMD to cities and counties located in the South Coast District to be used to reduce mobile source air pollution; and thirty cents of every dollar shall be deposited by the SCAQMD in a discretionary account (the AB 2766 Discretionary Fund) to be used to implement or monitor programs to reduce motor vehicle air pollution.

To determine which projects should be funded by the AB 2766 Discretionary Fund, AB 2766 called for the creation of the MSRC (Health & Safety Code Section 44244) to: 1) develop a Work Program for evaluating programs; 2) evaluate said programs; and 3) make a final recommendation to the South Coast AQMD Governing Board as to which programs and/or projects should be funded. The legislation also called for the formation of the MSRC-TAC to assist and advise the MSRC.

Technical Advisor services will be funded through the AB 2766 Discretionary Fund and will provide technical assistance in evaluation of proposed AB 2766 Discretionary Fund projects, monitor the technical performance of AB 2766 Discretionary Fund contractors, review all final reports on AB 2766 Discretionary Fund projects, keep the MSRC and MSRC-TAC apprised on the latest technologies and scientific developments which may affect AB 2766 Discretionary Fund projects, and prepare the annual California Air Resources Board (ARB) required report assessing the emissions benefits and cost effectiveness of AB 2766 Discretionary Fund projects.

The MSRC has not established a budget for Technical Advisor services for the subject period. As a point of reference, however, the MSRC's last award for Technical Advisor provided \$350,000 for an initial 27-month term and \$363,300 for the two-year option term.

For more information on the MSRC and the AB 2766 Discretionary Fund, please visit their website at www.CleanTransportationFunding.org. The South Coast AQMD acts as the contracting and fiduciary agency for the MSRC. For more information on the Soast Coast AQMD, the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties, which is the smoggiest region in the U.S., please visit their website at www.aqmd.gov.

SECTION II: CONTACT PERSONS

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

Mr. Dean Hughbanks, Procurement Manager
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765-4178
(909) 396-2808

General questions regarding this RFP, including the scope of work, please contact:

Ms. Jenny Chan
MSRC-TAC Chair
Riverside County Transportation Commission
Phone: (951) 787-7141
E-mail: JChan@RCTC.org

Technical questions regarding this RFP, please contact:

Mr. Aaron Katzenstein
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765
Phone: (909) 396-2219
Email: akatzenstein@aqmd.gov

SECTION III: SCHEDULE OF EVENTS

September 3, 2021	RFP Released
October 14, 2021	All Proposals Due by 2:00 p.m.
October 15-22	Proposal Evaluation Period
October 22, 2021 by Noon	Notification of Interview on or around October 27
On or around October 27, 2021	Interviews of Top-Ranked Bidders 9 am to 5 pm (at discretion of Subcommittee)
November 4, 2021	MSRC-TAC Mtg/Recommendations
November 18, 2021	MSRC Mtg/Proposal Review & Approval
December 3, 2021	Governing Board Approval of Contract

It is up to the discretion of the MSRC-TAC Technical Advisor Evaluation Subcommittee whether or not interviews will be conducted. Proposers which meet the minimum RFP criteria shall be notified by Noon on October 22, 2021, as to whether or not an interview will be conducted on or around October 27, 2021, and the time. If interviews are held, interviews are a **MANDATORY** requirement of this RFP. If the Bidder is unable to attend an interview either by phone, Zoom meeting application or in person at the MSRC offices, then the Bidder will be disqualified from this RFP process. Primary team members or key personnel (who would be performing the deliverables under the contract) shall be part of the interview process.

SECTION IV: STATEMENT OF WORK/SCHEDULE OF DELIVERABLES

The following Statement of Work becomes an integral part of the Contract. The Contractor shall perform the following tasks in support of the AB 2766 Discretionary Fund Program:

Task 1 – RFP and Contract Preparation Assistance

1.1 Preparation of AB 2766 Discretionary Fund Solicitations

Contractor will provide support in the preparation of Requests for Proposals (RFPs) and/or Program Announcements, as appropriate, for the Work Program categories as established and approved by the MSRC. This support shall include, but not be limited to, preparation of category RFPs including the statements of work, verification of the accuracy of technical information to be provided in the RFPs, and drafting appropriate evaluation criteria. Throughout the RFP and Contract preparation period, Proposer shall communicate significant questions/concerns to the Evaluation Committee, the MSRC-TAC and the MSRC as necessary, including, but not limited to verbal notifications and/or supplemental bulletins.

1.2 Bidders' Conference(s) and/or Proposer Assistance

Based upon RFPs approved by the MSRC, should Bidders' Conference(s) be required, Contractor will prepare and present technical information relative to the RFPs at the Bidders'

Conference(s), any technical workshops, or requests made through individuals. Types of information which may be prepared and presented by CONTRACTOR may include, but are not necessarily limited to:

- a. brief overview on the background of the Discretionary Fund program;
- b. description of the RFP categories for which proposals are sought;
- c. discussion of the RFP requirements;
- d. proposal preparation instructions;
- e. examples of statements of works;
- f. proposal preparation checklist;
- g. emissions calculation methodologies.

Throughout the proposal preparation period as outlined in each RFP, Contractor will be available to respond to technical questions raised at all Bidders' Conferences, workshops, or via individual requests.

1.3 Proposal Evaluation Support

Contractor will provide technical assistance to the MSRC-TAC Evaluation Subcommittees including but not limited to assessment of proposals' overall technical merit, assessment of proposed projects' technical feasibility and probability of achieving proposed objectives, and verification of proposed emissions benefit calculations. Contractor may be asked to provide comments in written form or by means of an oral presentation to the Evaluation Subcommittees. Contractor shall advise the Evaluation Subcommittees on the effectiveness of past projects in the areas proposed and inform the Evaluation Subcommittees regarding proposed projects which duplicate work being funded by other sources and any relevant regulatory requirements that may apply to the proposed projects. Contractor shall provide independent, objective technical advice to the Evaluation Subcommittees, but shall not score proposals. Contractor shall compile the results of the Subcommittees' evaluation and scoring. Should the MSRC require within a specific RFP, evaluation criteria based on emission and quantitative criteria only, MSRC may direct Contractor to evaluate proposals submitted within that category, and present final results to the Evaluation Subcommittee. Where appropriate, Contractor shall provide information from documented sources in relevant technical fields to support his/her technical conclusions.

1.4 Review and Prepare Contract Work Statements

Upon award by the MSRC and during the contract preparation period, Contractor will review statements of work for technical adequacy on an as-needed basis. Contractor shall work directly with MSRC staff and/or AB 2766 awardees to revise inadequate statements of work and resolve technical issues.

1.5 Prepare and Present Debriefs for Proposals Not Recommended for Funding

Upon direction by the MSRC, or upon bidder's request, Contractor may be required to prepare and present debriefs to unsuccessful AB 2766 bidders. These will be performed one-on-one with the unsuccessful bidders or via a written report. This activity will be coordinated with the appropriate MSRC-TAC evaluation subcommittee chair and MSRC staff.

Task 2 – Work Program Support

2.1 Progress Report Technical Evaluation

On an as-needed basis, Contractor will review and evaluate AB 2766 Discretionary Fund progress reports relative to technical issues and concerns. Contractor will recommend a course of action to resolve technical issues identified during progress report review and participate in face-to-face or remote meetings with contractors as required. Contractor will notify the MSRC-TAC and the MSRC of any technical problems that should arise from Contractor's review of Progress Reports.

2.2 Final Report Evaluation

Contractor will review and evaluate all AB 2766 Discretionary Fund Final Reports. Contractor will quantify emissions benefits and cost effectiveness of each final report using methodologies approved by the ARB. Final reports shall be submitted to the MSRC-TAC and MSRC on a monthly basis, for final review/approval.

2.3 Invoice Technical Evaluation

On an as-needed basis, Contractor will review and evaluate AB 2766 Discretionary Fund work program invoices relative to the appropriateness of charges in fulfillment of statement of work technical requirements. Contractor will recommend a course of action to resolve concerns identified during invoice review. If required, Contractor shall notify MSRC-TAC and MSRC of any technical concerns/issues that cannot be remedied.

2.4 Technical Review Meetings and Visits to Contractor Facilities

As required, Contractor will conduct technical review meetings with AB 2766 contractors and will visit contractor facilities as required to physically verify reported progress on AB 2766 projects.

2.5 Work Program Development Support

Contractor will provide technical support to the MSRC during its review of past Work Programs, as well as the development of its future work program(s). This process may include one to three separate meetings/workshops, where the Proposer would be responsible for:

- a. coordinating speakers (ARB, SCAQMD, to name a few) on their respective programs and areas of focus,
- b. preparing presentation materials (including power points and spreadsheets),
- c. summarizing past MSRC-funded projects and results, including emissions and cost-effectiveness assessments,
- d. identifying current and upcoming state of the art technologies, relevant to the MSRC funded programs,
- e. identifying mobile source emissions reductions programs and initiatives being funded by other sources,
- f. identifying local, state and federal regulations/rules impacting possible MSRC-funded programs, including, but not limited to relevant AQMP strategies and control measures ,
- g. recommendations on possible work program categories, as well as suggestions on how to improve the technical quality of AB 2766 projects,
- h. steps and/or barriers to implementing possible work program categories, and
- i. summarizing resulting MSRC priorities from these various meetings/workshops.

Proposer will work closely with MSRC staff, MSRC-TAC Chair, MSRC-TAC Subcommittee Chairs and the MSRC Chair in the coordination and presentation of materials at these meetings/workshops, as well as be responsible for summarizing results of workshops, and presenting results at future meetings.

2.6 Areas of Expertise/Support Required for Annual Work Programs

Contractor will provide technical support, as necessary, for the MSRC's annual Work Program to include, but not be limited to, the following technical areas:

- a. Alternative fuel infrastructure, implementation and operations
- b. Clean-fuel technologies, for light, medium and heavy duty vehicles (including both on- and off-road vehicles), including engine technologies and retrofit technologies for a variety of alternative fuels
- c. Vehicle emission control and low carbon fuel technologies
- d. Local, State and Federal air quality and related climate change regulations
- e. Technologies in the early deployment stage, such as fuel cells, hydrogen technology, advanced batteries, to name a few
- f. Transportation control measure strategies, such as ridesharing, non-motorized transportation, to name a few
- g. Research and development issues, impacting the above technologies
- h. Requirements of the Health & Safety Codes, as well as MSRC policies and procedures
- i. ARB certification and verification processes
- j. Other areas as deemed appropriate by the MSRC

2.7 Vehicle Incentive Program Support

Upon direction by the MSRC, Contractor will provide technical and operational support to any of MSRC's vehicle incentive programs including, but not limited to, developing manufacturer qualifications, reviewing and evaluating vehicle manufacturer's qualification packets, program implementation, and monitoring.

Task 3 – General/Other Support

3.1 Annual ARB Report on AB 2766 Projects

Contractor will prepare the annual ARB report on the assessment of emissions benefits and cost effectiveness for AB 2766 Discretionary Fund projects using the ARB provided electronic format. The AB 2766 Discretionary Fund data will be integrated with South Coast AQMD generated data for submission to the ARB.

3.2 Professional Symposia and Technical Conferences

At the direction of the MSRC, Contractor will attend professional symposia and technical conferences related to AB 2766 Discretionary Fund Work Program areas. Contractor may, from time to time, be asked to prepare and/or present technical papers on behalf of the MSRC, or to provide technical information/support to MSRC-TAC and/or MSRC members at such events.

3.3 Meeting Attendance

Contractor will attend the monthly MSRC-TAC and MSRC meetings (typically scheduled monthly on the first and third Thursdays, respectively) and bidder's conferences. Contractor attendance may be required at MSRC-TAC Evaluation Subcommittees, as well as other meetings as required. Most meetings are held at the South Coast AQMD offices. Contractor will be required to prepare for all meetings, including materials/handouts, as well as consulting with MSRC-TAC and/or Subcommittee Chairs and MSRC staff as needed. Contractor may also be required to attend monthly South Coast AQMD Governing Board meetings (typically first Friday of the month) when MSRC items are on the Board agenda, and shall respond to questions by Governing Board members, as needed.

3.4 Special Projects/Other Related Duties

Contractor will support any special projects and will provide assistance to other duties, as requested/directed by the MSRC. It is conceivable the MSRC may direct special projects on a task-order basis and/or may direct or allow the Technical Advisor to subcontract a special task, in which case a not-to-exceed amount for the task order or subcontract work will be identified and included in the contract at the time of execution or through a future contract amendment.

3.5 Assistance to MSRC Outreach Coordinator

Contractor will assist the MSRC Outreach Coordinator in the review of documents and materials which contain technical material, providing information on emissions reductions of MSRC programs. Contractor shall review any other public outreach materials generated by the MSRC, as well as provide input into technical sections of the MSRC website.

Task 4 - Contract Deliverables

4.1 Final Report Summaries

No later than the last Thursday of every month, Contractor will submit summaries of all final reports received, evaluated and finalized for inclusion in the MSRC-TAC agenda.

4.2 Materials

As appropriate, Contractor will provide copies of presentation material, hand-out materials, PowerPoint presentations and other materials, as described in Tasks 1, 2 and 3 above, to the appropriate MSRC Chair, MSRC-TAC Chair, or Subcommittee Chair. Materials for the MSRC-TAC Agenda packets are due by the last Thursday of each month, and materials for the MSRC Agenda packet are due by no later than the second Thursday of each month.

4.3 ARB Final Report - as defined in Task 3.1 above.

SECTION V: MINIMUM QUALIFICATIONS

The successful bidder must meet the following minimum qualifications and demonstrate an understanding of the MSRC's mission. Individuals can team to submit a joint proposal should they have complementary expertise and qualifications that collectively meet the requirements. Key team members to perform Technical Advisor services to the MSRC must possess minimum years of experience in Items 2 and 3 below.

1. B.A. or B.S. in engineering, environmental science, urban planning, or other related disciplines.
2. Five years of experience in managing technical projects
3. Five years of experience working with public agencies and elected officials.
4. Knowledge of local, state and federal air quality laws and regulations.
5. Familiarity with South Coast AQMD programs and regulations for mobile sources, as well as EPA and ARB approved methodologies for calculating emissions benefits and cost effectiveness.
6. Understanding of technologies and scientific developments related to reduction of air pollution from mobile sources, to include, but not be limited to, alternative fuel vehicles and infrastructure, alternative fueling infrastructure, fuel cell technology and transportation control measures.
7. The ability to quickly respond, on short notice, to requests for technical assistance.

8. Established relationships with equipment manufacturers and industry and professional associations.

In addition to the minimum qualifications above, the most competitively qualified candidates will possess thorough knowledge of the strategies in the South Coast AQMD's Air Quality Management Plan, as well as thorough knowledge of South Coast AQMD incentive programs.

Include detailed description of experience, education and training of Proposer and key staff. Also indicate proof of qualification requirements such as licenses, memberships and/or endorsements. Proposer must submit a resume or similar statement of qualifications including, but not limited to, educational degrees and area of study, summary of relevant professional experience, list of technical publications, organizational affiliations, and other information which demonstrates Proposer's knowledge of laws and regulations pertaining to air quality and current and emerging technologies related to reduction of mobile source air pollution, and experience interacting with State agencies.

SECTION VI: PROPOSAL FORMAT AND 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.

Proposals must be submitted electronically in PDF format using the MSRC Website. We believe this benefits the proposer, the MSRC staff, and the environment. A tutorial has been developed to guide proposers step by step through the electronic proposal submittal process; this tutorial is available on the MSRC www.cleantransportationfunding.org website at this link: http://www.cleantransportationfunding.org/sites/default/files/downloads/Guide%20to%20Using%20the%20Website_v3.pdf

Note that the tutorial is one section of the Contractor Guide for Using the Website.
You will not see the screens pictured until after you have registered as a Contractor on the website. If you are registering a new account on the site, make sure you select the "Contractor" role.

Format - The maximum length of proposals accepted will be thirty (30) pages. All pages and appendices must be numbered. Technical appendices of no more than fifty (50) pages, including information on bidder's past projects and experience, may be attached.

Cover Letter - Transmittal of the proposal must specify the subject of the proposal, the MSRC RFP number, and Bidder's name, address, telephone number and e-mail address. The letter shall specify contact person(s) for technical and contractual matters, and be signed by the person(s) authorized to contractually bind the bidding entity. For joint proposals (from more than one entity and/or consultant) the bidder must include a statement confirming authorization to act on behalf of other co-bidders. The bidder must include a letter of support

or memorandum of understanding, including project contact name, telephone and fax number, from all proposing entities. Proposer will acknowledge that the interview date is on or around October 27, 2021 and that Proposer, including key personnel who would be performing contract deliverables, intends to be available for that date. Proposal should also acknowledge that proposal shall constitute a firm offer and may not be withdrawn for a period of ninety (90) days following the last day to accept proposals, and that they have checked the website for addenda and/or supplementary information to the RFP; failure to do so may disqualify the bidder.

Table of Contents - Clearly identify material contained in the proposal by section and page number.

SECTION 1 - Technical Approach for Accomplishing the Statement of Work: List, and concisely describe approach to the tasks and subtasks, and milestones if any and if appropriate. The tasks and subtask descriptions shall be sufficiently specific for inclusion into a binding contractual document.

SECTION 2 - Program Schedule: Since the majority of the work performed is per the direction of the MSRC, or is based on milestones as established by the MSRC or another agency such as the ARB, a program schedule is not required. However, in this section, please identify if there may be any conflicts in completing all the tasks, or any issues related to task delivery.

SECTION 3 - Project Organization: This section should describe the labor organization required to perform the proposed services. This section should include assigned personnel and any subcontractors. Resumes of assigned personnel and anticipated subcontractors should be included in the proposal. As part of your proposal, certify that you are a legal entity capable of entering into contracts within the State of California.

SECTION 4 - Conflict of Interest – Address possible conflicts of interest with other clients affected by actions performed by the firm on behalf of the MSRC. Provide a list of current clients. Although the Proposer will not be automatically disqualified by reason of work performed for such firms, MSRC reserves the right to consider the nature and extent of such work in evaluating the proposal and in issuing future task orders.

Please note that the Technical Advisor will be subject to the requirements and restrictions of the South Coast AQMD Conflicts of Interest Code, as well as state law and regulations governing economic conflicts of interest. The following language (or similar) will be included in the Technical Advisor's contract:

As a condition of the contract, as the Technical Advisor of the MSRC, CONTRACTOR agrees to avoid any actual or perceived conflicts of interest between CONTRACTOR's economic interests and its duties under the contract. To ensure that no conflicts exist with CONTRACTOR's other clients, CONTRACTOR agrees to immediately notify SCAQMD of any potential conflicts of interest prior to entering into or renewing a contract with any person, company, organization or governmental entity that CONTRACTOR reasonably

foresees will apply to receive funding from the MSRC during the term of this contract

SECTION 5 - Cost Schedule: This schedule should include a full and complete cost element breakdown by Statement of Work Task. The cost schedule must include:

- a. Total Proposed Cost - include total proposed cost for the base 27-month term as well as the 24-month option term.
- b. Labor - identify each professional category of direct project support, the number of hours by Task, and the fully burdened rate per hour. Provide an explanation for the overall fully burdened rate per hour per professional category, and how that rate was obtained (including a breakout and explanation for overhead, fringe, other general and administrative expenses, and profit). If subcontractors are not identified, provide an estimate of their rates of compensation and number of hours or days the subcontractor's services will be utilized. The Bidder is required to certify as part of their proposal submission that the prime contractor and subcontractor rates contained in the proposal are no higher than the rates offered to the prime or subcontractor's most favored customer.
- c. Travel and Related Expenses - Please confirm that the technical expert can meet the District's practice in charging travel and related expenses stated below.
 1. Will not pay for interest or fees accrued on credit cards, when using credit cards for payments.
 2. Will pay a maximum of \$150 per day for lodging, unless prior written approval is received from the SCAQMD.
 3. Will pay class C or economy rates for automobile rental, unless prior written approval is received from the SCAQMD.
 4. Will only pay coach rate for airfare.
 5. Will not pay profit or fee on charges for supplies, equipment, travel, and subcontractors.
 6. Will reimburse mileage at the current SCAQMD rate (currently \$0.535 per mile).
 7. Will reimburse for meals, based on the current SCAQMD rate (currently a maximum of \$50.00/day for meals).
 8. Will reimburse costs on an as-incurred basis only.
 9. Charges for supplies, equipment, and subcontractors will be paid at cost. No profit will be paid on these costs.
- d. Supplies and Equipment - Capital costs are not eligible for funding. Provide an itemized list of supplies and equipment to be used and/or purchased and reimbursed for under this contract (include item brand, cost and purpose).

- e. Subcontractor Costs - Identify subcontractors by name, the basis for the subcontractors selection and describe in detail the work the subcontractors will be hired to perform, list their cost per hour or per day, and the number of hours or days their services will be used.
- f. Miscellaneous Costs - if any

SECTION 6 - Past Performance: This section must include the following information on at least three contracts for similar or related projects which the Proposer has performed in the past five years:

- a. a brief description of the project;
- b. the contract value at inception and expiration (any cost growth should be explained);
- c. the period of contract performance;
- d. the contract type, such as fixed price, T&M or cost reimbursement; and
- e. the name and telephone number of the contracting agency's representative.

SECTION 7 - All certifications and representations (see Attachment A to this RFP) must also be provided.

SECTION VII: PROPOSAL SUBMISSION

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

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

Due Date - All proposals are due no later than 2:00 p.m., October 14, 2021. Proposers are encouraged to start early in case of any issues encountered with the electronic submission process. Late bids/proposals and proposals submitted via email and/or by FAX will not be accepted. **Please note that any proposal received at 2:01 p.m. or later on October 14, 2021, will not be evaluated and will not be eligible for MSRC funding.** NO exceptions for any reason will be granted. Any correction or re-submission done by the bidder will not extend the submittal due date.

Addenda - MSRC may modify the RFP and/or issue supplementary information or guidelines relating to the RFP during the proposal preparation period, from September 3, 2021 through October 14, 2021, at 2:00 p.m. Check back on the MSRC's website periodically throughout this open bid period for supplementary information or guidelines.

Disposition of Proposals - MSRC reserves the right to reject any or all proposals. All responses become the property of MSRC.

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; this shall be noted in the Cover Letter required under Section VI.

SECTION VIII: AUDIT PROCEDURES

The AB 2766 legislation requires that the South Coast AQMD, at least once every two years, undertake an audit of programs or projects funded. The audit is to be conducted by an independent auditor selected by the South Coast AQMD. Any bidder who receives monies from the AB 2766 Discretionary Fund may, at least once every two years, be subject to an audit of each program or project funded.

Under the completion of an audit, the South Coast AQMD will make the audit available to the public and to the bidder upon request and will review the audit to determine if the monies were used for the reduction of air pollution from motor vehicles pursuant to the California Clean Air Act of 1988. If the South Coast AQMD determines that the monies were expended in a manner contrary to law, the SCAQMD will notify the contractor of the determination and, within 45 days, may hold a public hearing at which the contractor may present information related to the expenditure of monies.

SECTION IX: PROPOSAL EVALUATION PROCESS

An Evaluation Subcommittee of the MSRC-TAC will evaluate all proposals to determine responsiveness to the RFP. South Coast AQMD staff may provide administrative and technical assistance during the proposal evaluation process.

Proposals will be evaluated and points awarded based upon the criteria outlined in Section X. The evaluation criteria are included to provide the bidder additional guidance as to the particular components of the proposal that will be evaluated. The top-ranked bidders may be interviewed by an Evaluation Subcommittee of the MSRC-TAC on or around Wednesday, October 27, 2021. Bidders will be notified by noon on Friday October 22, 2021, if they are invited to the interview process. If interviews are held, participation in the interview process on the date set aside is a MANDATORY requirement of this RFP. Primary team members or key personnel (who would be performing the deliverables under the contract) shall be part of the interview process.

At the completion of the evaluation process, the MSRC will consider and vote on the Subcommittee recommendation at its November 18, 2021 meeting. The MSRC's contract award is subject to approval by the South Coast AQMD Governing Board to execute a contract with the successful bidder. The resulting contract will include a key personnel clause.

NOTE: Pursuant to the Brown Act, public comments are allowed at MSRC and MSRC-TAC meetings during the "public comment" period and on any specific agenda item. All bidders have the opportunity to attend full committee meetings and are encouraged to do so.

SECTION X: CONTRACTOR SELECTION CRITERIA

An Evaluation Subcommittee of the MSRC-TAC will identify the successful bidder as the one with the highest-scored proposal based upon the following evaluation criteria. The recommended selection will be forwarded to the MSRC-TAC and MSRC for their consideration. Final selection by the MSRC will be made on November 18, 2021, and submitted to the South Coast AQMD Governing Board for consideration and approval at its December 3, 2021 meeting.

The maximum score available is 100 points.

#1: Technical Qualifications/Experience 40 Points

The Proposer will be evaluated based on their educational credentials, experience managing technical projects, experience working with public agencies/elected officials, knowledge of technologies and scientific developments related to reduction of mobile source air pollution, experience using ARB methodologies to calculate emissions benefits and knowledge of local, state and federal air quality laws/regulations.

#2: Technical Approach 20 Points

The Proposer will be evaluated based on their understanding of the statement of work requirements as well as the outlined approach for interfacing with MSRC, MSRC-TAC, MSRC staff, other government agencies, industry groups, and members of the public. This interface includes an understanding/experience for resolving conflicts, method for establishing priorities and protocol for responding to requests for information.

#3: Proposed Cost 20 Points

Maximum points will be awarded to the Proposer offering the lowest fully burdened labor rates during the base term (two years) and the option (two-year term). Points awarded to other Proposers will be prorated based on the lowest proposed rate.

#4: Past Performance 10 Points

Quality of past performance on similar or related projects performed in the past five years based upon verification of the information provided in proposal.

#5: DVBE/Local Business/Small Business Status 10 Points

Certified as DVBE, local business and/or small business as described in Section XI of this RFP.

Maximum Point Award 100 points

SECTION XI: DVBE/LOCAL BUSINESS/SMALL BUSINESS STATUS

On May 27, 1999, the MSRC approved a policy regarding other evaluation factors for inclusion in MSRC procurements. MSRC procurements, where the services/product solicited are assistance to the MSRC in implementing its work program and where a portion or all of these services are not readily quantifiable, the MSRC shall only have the following "Other" Criteria in the evaluation component of the procurements which do not emphasize quantifiable emissions reductions:

It is the policy of the MSRC to encourage participation by disabled veteran business entities, local businesses and small business and in the bidding process. The MSRC shall provide five (5) points each for Proposers who meet the following criteria, with the maximum points available not-to-exceed ten (10) points. Points shall only be awarded should the Proposer, upon submission of its proposal, provide documents from a state or local agency certifying that it qualifies in the categories described below:

#1 "Disabled Veteran" as used herein is a United States military, a naval, or air service veteran with at least 10 percent service-connected disability. "Disabled Veteran Business Enterprise" as used herein means a sole proprietorship or partnership or corporation which is at least 51 percent owned by one or more disabled veterans and whose management and control of the daily business operations are by one or more disabled veterans.

#2 "Local Business" as used herein means a Proposer which can demonstrate that it has an on-going business within the South Coast AQMD at the time of the bid application and performs 90% of the work related to the contract with the South Coast AQMD.

#3 "Small Business" as used herein means a business that is:

- 1) independently owned and operated business, and
- 2) is not dominant in its field of operation and
- 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 or less over the previous three years, or a manufacturer with 100 or fewer employees.

SECTION XII - DRAFT SAMPLE CONTRACT

Bidders whose projects are selected for funding must enter into a Time & Materials (T&M) type contract with the South Coast AQMD as a condition of receiving funds. Contract preparation will begin immediately upon approval by the South Coast AQMD Governing Board.

A sample South Coast AQMD contract document may be downloaded from this page: <http://www.aqmd.gov/grants-bids>. Each bidder should review the sample contract for all possible exceptions to the boilerplate provisions. Any exceptions to the sample contract terms

and conditions should be identified in the proposal. Please note that this is a sample only, and the MSRC may modify provisions.

Attachment A:

Certifications



**South Coast
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • 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			

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.

A. NAME TITLE

B. 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.

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 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and Its Instructions.

² 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. 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 and clicking on Employer Identification Number (EIN) under Starting a Business. Go to 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 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), ABL 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 ¹
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 ²
5. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
6. Sole proprietorship or disregarded entity owned by an individual	The owner ³
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
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 ⁴
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

¹ 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.

² Circle the minor's name and furnish the minor's SSN.

³ 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.

⁴ 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. 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 or report them at www.ftc.gov/complaint. You can contact the FTC at www.ftc.gov/idtheft or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see www.IdentityTheft.gov and Pub. 5027.

Visit 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.

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 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 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 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 and search for nonwage.

MyFTB offers secure online tax account information and services. For more information, go to 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

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

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.

Typed Name & Title of Authorized Representative

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). The list of current MSRC members/alternates can be found at the MSRC website (<http://www.cleantransportationfunding.org>).

SECTION I.

Contractor (Legal Name): _____

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

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

SECTION II.

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

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

Campaign Contributions Disclosure, *continued*:

Name of Contributor _____

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

Name of Contributor _____

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

Name of Contributor _____

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

Name of Contributor _____

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

I declare the foregoing disclosures to be true and correct.

By: _____

Title: _____

Date: _____

DEFINITIONS

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

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