

BOARD MEETING DATE: February 2, 2024

AGENDA NO. 9

PROPOSAL: Issue RFP and Execute Contracts for Green Space Program Within AB 617 Community of Southeast Los Angeles

SYNOPSIS: Through participatory budgeting workshops held in early 2021, the Assembly Bill 617 (AB 617) Southeast Los Angeles (SELA) Community Steering Committee prioritized \$2.5 million in Community Air Protection Program incentive funding for green space projects within the SELA community. These actions are to: 1) issue an RFP in an amount up to \$2.5 million from the Community Air Protection AB 134 Fund (77) to solicit green space project bids from contractor(s) and to Execute Contracts to implement green space projects in the SELA community through the SELA Green Space Program; 2) reimburse the General Fund for administrative costs of up to \$141,667 from the Community Air Protection AB 134 Fund (77); and 3) transfer and appropriate up to \$25,000 from the Community Air Protection AB 134 Fund (77) into the Diversity, Equity, and Inclusion with Community Air Programs Office's FYs 2023-24 and/or 2024-25 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account for administrative costs to implement the SELA Green Space Program.

COMMITTEE: Stationary Source, January 19, 2024; Recommended for Approval

RECOMMENDED ACTIONS:

1. Authorize the Procurement Manager, in accordance with South Coast AQMD Procurement Policy and Procedure, to issue RFP in an amount up to \$2.5 million from the Community Air Protection AB 134 Fund (77) to solicit green space project bids from contractors interested in implementing green space projects within the Southeast Los Angeles (SELA) community, and based on the results of the RFP, authorize the Chair (or by the Chair's designation, the Executive Officer) to execute subsequent contracts with the selected contractor(s) to implement the green space projects within the SELA community;
2. Reimburse the General Fund up to \$141,667 from the Community Air Protection AB 134 Fund (77) for administrative costs to implement the Green Space Program; and

3. Transfer and appropriate up to \$25,000 from the Community Air Protection AB 134 Fund (77) into the Diversity, Equity, and Inclusion with Community Air Programs Office's FYs 2023-24 and/or 2024-25 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account for administrative costs to implement the Green Space Program.

Wayne Natri
Executive Officer

AHJ:KH:UTV:RD:NK

Background

Assembly Bill 617 (AB 617) was signed into state law in July 2017 and focuses on improving air quality and reducing exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. Assembly Bill 617 recognizes the disproportionate impacts environmental justice (EJ) communities experience from sources of air pollution near residences and seeks to address these impacts through community-driven actions focused on developing and implementing Community Emission Reductions Plans (CERPs) and Community Air Monitoring Plans (CAMPs).

In early 2021, through participatory budgeting, the SELA Community Steering Committee (CSC) prioritized \$2.5 million in Community Air Protection Program (CAPP) Incentive funding for implementing green space projects within the SELA community. The SELA CSC is comprised of stakeholders (e.g., residents, businesses, community-based organizations, public agencies, elected officials) with community knowledge that provide input, guidance, and recommendations for development and implementation of the SELA CERP¹ and CAMP². One of the air quality priorities in the SELA CERP is Green Spaces. Objectives to address this air quality priority, with the goal of increasing green space and providing or improving recreational opportunities in the SELA community, include working with other agencies and the CSC to: 1) develop a list of drought-tolerant, low-VOC trees; 2) evaluate opportunities to use settlement funds; 3) provide letters of support and air quality information for grant opportunities; and 4) identify and prioritize locations to install vegetative buffers alongside freeways. The SELA CSC recommended increasing green spaces and recreational opportunities through tree planting at new or existing parks and other community spaces and/or by installing bike trails, river paths, and transit corridors which promote active forms of transportation.

¹ <https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cerp/final-cerp.pdf?sfvrsn=9>

² http://www.aqmd.gov/docs/default-source/ab-617-ab-134/camps/sela/sela-camp_10-28-2020_draft.pdf?sfvrsn=4

CARB approved the SELA Green Space Project Plan on Thursday, January 4, 2024.³ The SELA Green Space Project Plan allows South Coast AQMD to distribute the CAPP Incentive funds through this RFP to implement selected green space projects within the SELA community.

Proposal

Staff proposes issuing an RFP to solicit green space project bids from contractors for green space installation(s) within the SELA emissions study area boundary through the Green Space Program. The RFP will solicit green space applications from contractors which will include: the proposed locations, an estimate of the number and species of trees proposed to be planted, increase in tree canopy coverage and/or active transportation infrastructure to be installed, maintenance plan, and annual watering requirements. The scoring criteria in the RFP includes preference for green space projects which increase recreational opportunities.

Contractor(s) selected through the RFP process will be responsible for implementing the green space projects and maintaining the project area(s) throughout the Project Life, which is five (5) years after completion of green space project installation(s).

Green space project bids will be due May 3, 2024 at 2:00 pm. Following the results of the RFP, staff anticipate the selection of green space project contractors and execution of contracts to occur by July 2024. To expedite implementation of the Green Space Program, staff are requesting that the Chair (or by the Chair's designation, the Executive Officer) execute contracts with qualified contractor(s) of the RFP, based upon recommendations of the evaluation panel. Staff recommends using \$25,000 from the administrative portions of the Community Air Protection AB 134 Fund (77) for outreach support for implementation of the Green Space Program.

Bid Evaluation

Contractor(s) will be selected based on the criteria in the SELA Green Space Project Plan and RFP, including the thoroughness of the plan, readiness and timeliness of project implementation, proposed area of the green space project(s), and cost-effectiveness. Multiple contractors may be selected, although a single contractor can potentially be awarded the full grant amount. Green space project bids will be reviewed, scored, and ranked by an evaluation panel and the CSC based on the scoring criteria identified in the RFP and SELA Green Space Project Plan. The evaluation panel will consist of two to five South Coast AQMD staff and potentially one subject matter expert. The evaluation panel will make recommendations for final selection of contractor(s).

³ [https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-sela-gspp-\(approved-by-carb-on-january-4-2024\).pdf](https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-sela-gspp-(approved-by-carb-on-january-4-2024).pdf)

Outreach

In accordance with South Coast AQMD's Procurement Policy and Procedure, a public notice advertising the RFP will be published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, the Sacramento Bee, the Riverside Press Enterprise, and La Opinión newspapers to leverage the most cost-effective method of outreach to the SELA community. South Coast AQMD will work with the CSC to identify the most effective approach to conduct outreach and distribute the RFP throughout the SELA community and local governments within SELA and notify the CSC of the outreach efforts.

Additionally, potential contractors may be notified utilizing South Coast AQMD's own electronic listing of certified minority vendors. Notice of the RFP will be emailed to the Black, Latino, and Asian & Pacific Islander Legislative Caucuses and various minority chambers of commerce and business associations and placed on the "Grants & Bids" page on South Coast AQMD's website (<http://www.aqmd.gov//nav/grants-bids>).

Benefits to South Coast AQMD

Green spaces can help reduce exposure to air pollution to overburdened communities. Further, green spaces can shade buildings and sidewalks, thereby decreasing the use of air conditioning, promoting more active forms of transportation (e.g., walking, biking), and reducing passenger vehicle use, thus indirectly reducing emissions.

Resource Impacts

Up to \$2.5 million from the Community Air Protection AB 134 Fund (77) Year 3 CAPP Incentive funds will be used for implementing green space projects through the Green Space Program within the SELA community, a reimbursement of administrative costs of up to \$141,667, and a transfer of up to \$25,000 for administrative costs into Diversity, Equity and Inclusion with Community Air Programs Office's FYs 2023-24 and/or 2024-25 Budgets, Services and Supplies Major Object, Public Notice and Advertisement account. Sufficient funds are available in Community Air Protection AB 134 Fund (77).

Attachment

Request for Proposals for Implementation of Green Space Projects in the Assembly Bill 617 Community of Southeast Los Angeles

**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
REQUEST FOR PROPOSALS**

**Implementation of Green Space Projects in
the Assembly Bill 617 Community of
Southeast Los Angeles**

P2024-08

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

PURPOSE

South Coast AQMD is seeking bids from qualified public and private entities to implement green space projects in the Assembly Bill 617 (AB 617) Southeast Los Angeles (SELA) community by planting trees, green spaces, and/or installing infrastructure for active forms of transportation (e.g., bike paths, walking paths, river paths, sidewalks) to reduce exposure to air pollution and increase recreational opportunities, as described in the AB 617 SELA Community Emission Reductions Plan (CERP). Qualified entities may include cities, counties, public agencies, non-profits, tribal governments, special districts, community organizations, small businesses, corporations, or individuals. The primary purpose of this Green Space Program (Program) is to execute a CERP objective which is to increase green space and provide or improve recreational opportunities in the AB 617 SELA community. Co-benefits of the Program include the sequestration of greenhouse gases, shade, and the potential to reduce exposure to air pollution. This RFP will implement the AB 617 SELA Green Space Project Plan (Green Space Project Plan) to fulfill objectives in the AB 617 SELA CERP¹.

INDEX - The following are contained in this RFP:

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

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

¹ South Coast AQMD, Southeast Los Angeles Community Emission Reductions Plan, Green Space Air Quality Priority. Available at: <https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cerp/final-cerp.pdf?sfvrsn=9#page=112>.

SECTION I: BACKGROUND/INFORMATION

Signed into law on July 26, 2017, AB 617 (California Health and Safety Code § 44391.2) is a California law that addresses the disproportionate impacts of air pollution in environmental justice (EJ) communities. Since 2018, California Air Resources Board (CARB) has designated six (6) AB 617 communities within South Coast AQMD's jurisdiction. As directed by the bill, South Coast AQMD worked with each community to develop a CERP under the guidance of their respective Community Steering Committee (CSC). Each CSC is comprised of residents, community-based organizations, schools, public agencies, businesses, and other relevant community stakeholders. Each CSC identifies their top air quality concerns and objectives to address them in their respective CERP.

The AB 617 SELA community was designated as a South Coast AQMD AB 617 community in 2019. The AB 617 SELA community established an approximately 40-member CSC who collaborated with South Coast AQMD to develop the SELA CERP.¹ As of November 15, 2023, there are 13 members of the SELA CSC.² During CERP development, one of the concerns expressed by CSC members was the lack of green spaces in the community. Green spaces increase canopy cover, trap pollutants, provide recreational opportunities, and encourage active forms of transportation by shading bikeways, river paths, and other transit corridors.

The AB 617 SELA CERP addresses the green spaces air quality priority with the goal of increasing green space in SELA, through the following objectives (AB 617 SELA CERP, Chapter 5d):

- *Objective A: Collaborate with land-use, state and local agencies (e.g., Public Works, Parks and Recreation), non-profit organizations, and the CSC to develop a list of low-volatile organic compound (low-VOC) and drought tolerant trees.*
- *Objective B: Evaluate opportunities to use future settlement funds to support community green space projects (e.g., bikeways, river paths, transit corridors).*
- *Objective C: Collaborate with nonprofits, local, and regional agencies to provide letters of support and air quality information for urban greening funding opportunities, including maintenance. Collaborate with nonprofits, local, and regional agencies to identify potential metrics to measure progress in increasing tree canopy in SELA.*
- *Objective D: Work with CSC, state, and local agencies to identify and prioritize locations for installing vegetative buffers near freeways, particularly near the I-710.*

As part of CERP implementation and to allocate Year 3 Community Air Protection Program (CAPP) Incentive funds, South Coast AQMD conducted participatory budgeting workshops. The AB 617 SELA community was allocated \$10 million, of which the CSC prioritized \$2.5 million to implement green space projects. The Green Space Project Plan was developed by South Coast AQMD and guided by input from the CSC, which serves as the mechanism to

¹ South Coast AQMD Southeast Los Angeles Community Emissions Reduction Plan. Available at: <http://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-cerp/final-cerp.pdf?sfvrsn=9>.

² South Coast AQMD Southeast Los Angeles Community Webpage, Community Steering Committee Roster link. Available at: <http://www.aqmd.gov/nav/about/initiatives/environmental-justice/ab617-134/southeast-los-angeles>.

distribute these CAPP Incentive funds for green space projects in the AB 617 SELA community. The Green Space Project Plan was approved by CARB on Thursday, January 4, 2024.³

This RFP seeks green space project bids that propose implementing green space projects in the SELA community. Green space projects should increase tree canopy cover and/or provide enhanced recreational opportunities by improving parks, bikeways, river paths, and transit corridors, or by establishing new green spaces.

All green space project bids will be evaluated based on the criteria set forth in Section IX – Proposal Evaluation/Contractor Selection Criteria of this RFP. South Coast AQMD will evaluate and verify information submitted by the applicant. A single award for the full grant amount may be awarded to a single contractor, although multiple awards may be granted under this RFP, subject to approval of the South Coast AQMD Governing Board Chair (or by the Chair’s designation, the Executive Officer).

SECTION II: CONTACT PERSON:

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

Robert Dalbeck
 Diversity, Equity, and Inclusion with Community Air Programs
 South Coast AQMD
 21865 Copley Drive
 Diamond Bar, CA 91765-4178
rdalbeck@aqmd.gov
 (909) 396-2139

SECTION III: SCHEDULE OF EVENTS

Date	Event
February 2, 2024	RFP Released
March 13, 2024	Bidder’s Conference*
May 3, 2024	Proposals Due to South Coast AQMD - No Later Than 2:00 pm
May 7 – May 14, 2024	Proposal Evaluations
May 15 – 17, 2024	Interviews, if required
June 7, 2024	Governing Board Approval (if needed)
July 16, 2024	Anticipated Contract Execution

*Participation in the Bidder’s Conference is optional. Such participation would assist in notifying potential bidders of any updates or amendments. The Bidder’s Conference will be virtual on zoom at 10:00 am on Wednesday, March 13, 2024. Please contact **Robert Dalbeck** at (909) 396-2139 by close of business on Friday, March 8, 2024 if you plan to attend.

³ South Coast AQMD Southeast Los Angeles Green Space Project Plan. Available at: [https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-sela-gspp-\(approved-by-carb-on-january-4-2024\).pdf](https://www.aqmd.gov/docs/default-source/ab-617-ab-134/steering-committees/southeast-los-angeles/final-sela-gspp-(approved-by-carb-on-january-4-2024).pdf).

SECTION IV: PARTICIPATION IN THE PROCUREMENT PROCESS

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

SECTION V: STATEMENT OF WORK/SCHEDULE OF DELIVERABLES

WORK STATEMENT

Implementation of green space projects will be conducted in two phases. The selected contractor(s) shall perform the work detailed in Phase 1 and Phase 2 and comply with each of the Schedules of Deliverables. Should the selected contractor(s) need a timeline extension for any of the listed deliverables, a written request for extension of the deliverables, including justification for the extension, must be received at least fifteen (15) days prior to the Submission Deadline. Failure to complete deliverables may result in non-payment. The selected contractor(s) will be compensated in accordance with the payment terms outlined in the contractor's payment schedule, which must be based on the scheduled deliverables in this RFP. For each green space project proposal, a detailed description of major tasks in Phase 1 and Phase 2 and a Schedule of Deliverables for both are outlined below.

PHASE 1 – GATHERING OF DOCUMENTATION

Phase 1 of the green space project will consist of the selected contractor(s) gathering required documentation for each of the proposed green space project area(s). Upon contract execution, the selected contractor(s) will have three (3) months to gather the required documentation for each project area prior to the commencement of any green space installation activities. Should any project area be deemed ineligible due to failure to provide any of the required documentation, that project area will no longer be eligible for funding under this RFP.

Task 1 — Gathering Required Documentation for Each Green Space Project Area

The selected contractor(s) will gather the following required documentation for each project area: 1) status of property taxes and compliance with federal, state, and local requirements, 2) obtention of permits to conduct green space installation activities and status of existing permit(s), if any, 3) compliance with California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA), 4) compliance with California's Plant Quarantine Manual when obtaining plant species or material originating from outside of Los Angeles County and other relevant federal, state, and local transport restrictions accordingly, and 5) authority to install green space(s).

PHASE 1 SCHEDULE OF DELIVERABLES:

Itemized Deliverables	Submission Deadline
<ul style="list-style-type: none"> • For each green space project area: <ul style="list-style-type: none"> • Provide documentation demonstrating that property taxes for the project area are current and that the project area is in compliance with all federal, state, and local requirements (Task 1) • Obtain all permits required to complete the green space project and provide copies of existing permits for the project site or proof of exemption from permitting requirements (Task 1) • Provide documentation demonstrating compliance with the California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA), or proof of exemption (Task 1) • Provide documentation of compliance with California’s Plant Quarantine Manual when obtaining plant species or material originating from outside of Los Angeles County and other relevant federal, state, and local transport restrictions accordingly (Task 1) • Provide any other documentation that authorizes contractor to install green space at the project area (Task 1) 	<p>Within 12 weeks of contract execution</p>

PHASE 2 – PROJECT IMPLEMENTATION

Phase 2 is contingent upon completion of Phase 1 and may be initiated by the selected contractor(s) after all Phase 1 deliverables (i.e., project area(s) documentation) have been approved by South Coast AQMD. Phase 2 of the green space project will consist of installing and maintaining green space(s) for each of the project areas identified and approved in the executed contract. Phase 2 includes requirements to meet with South Coast AQMD on a biannual basis (i.e., twice a year), provide cumulative biannual status reports, and submit and adhere to a Maintenance Plan throughout the Project Life.

Task 2 — Initial Meeting with South Coast AQMD and Project Implementation Plan

The selected contractor(s) shall meet with South Coast AQMD at the beginning of Phase 2 to discuss and outline project details. Selected contractor(s) are required to submit in writing a Project Implementation Plan, organized by project area, which includes: 1) a step-by-step project implementation schedule and project management contacts, 2) an itemized budget of materials and costs, 3) photos of each project area prior to green space installation, and 4) other logistics, as needed.

Task 3 — Biannual Meetings and Biannual Status Report

Throughout the Project Implementation period,⁴ the selected contractor(s) shall hold biannual meetings with South Coast AQMD to discuss progress of Project Implementation. Selected contractor(s) are required to submit in writing a cumulative Biannual Status Report, organized by each green space project area, which includes: 1) photographs from the reporting period, including date of photograph, 2) a discussion on implementation status and any matters impacting project implementation (e.g., challenges, logistical issues), and 3) records of all quotes and invoices for materials and subcontractors, if applicable.

Task 4 — Maintenance Plan and Project Life

At the end of Project Implementation, the selected contractor(s) shall provide pictures of completed green space installation for each project area and submit in writing a finalized Maintenance Plan to be approved by South Coast AQMD, which includes: 1) schedule of regular maintenance (e.g., watering, trimming) and 2) protocol for as-needed maintenance (e.g., removing dead or damaged vegetation). Throughout the Project Life period⁵, the selected contractor(s) shall provide pictures and a description of each project area to demonstrate adherence to the Maintenance Plan.

PHASE 2 SCHEDULE OF DELIVERABLES:

Itemized Deliverables	Submission Deadline
<ul style="list-style-type: none"> • Hold initial meeting with South Coast AQMD (Task 2) • Submit Project Implementation Plan to South Coast AQMD (Task 2) 	Within 4 weeks of Phase 1 completion
<ul style="list-style-type: none"> • Hold biannual meetings with South Coast AQMD (Task 3) • Submit Biannual Status Reports to South Coast AQMD (Task 3) 	Biannually throughout the Project Implementation period beginning within 26 weeks upon completion of Task 2
<ul style="list-style-type: none"> • Submit pictures of each completed green space project installation to South Coast AQMD (Task 4) • Submit finalized Maintenance Plan to South Coast AQMD (Task 4) 	Within 4 weeks of completion of Project implementation
<ul style="list-style-type: none"> • Submit pictures and a description demonstrating adherence to the Maintenance Plan to South Coast AQMD (Task 4) 	Annually throughout the Project Life

⁴ As defined in the Green Space Project Plan, Project Implementation is the period between contract execution and South Coast AQMD receipt of photo documentation of completed grant-funded green space installation(s). Project Implementation must follow the schedule included in the executed contract.

⁵ As defined in the Green Space Project Plan, Project Life is five (5) years from the date of South Coast AQMD receipt of photo documentation of the completed green space project installation(s). The contractor is required to conduct regular maintenance of the grant-funded green space installation(s) throughout the Project Life. Contractor(s) must provide annual photo documentation of the maintained grant-funded green space installation(s). Contractor(s) must conduct maintenance as required by South Coast AQMD and/or CARB resulting from inspections.

SECTION VI: REQUIRED QUALIFICATIONS

Public and private entities, except private schools,⁶ are eligible to apply for and receive up to \$2.5 million in CAPP Incentive funding for green space projects within the AB 617 SELA community. Qualified entities may include cities, counties, public agencies, non-profits, tribal governments, special districts, community organizations, small businesses, corporations, or individuals who must meet the following criteria to be eligible to apply:

- Be the owner of, have the authority, or have received (or demonstrated the ability to receive) the necessary permissions and permits to install green space(s) at the identified project area(s) and can provide documentation, if requested; and
- Have prior experience installing green space projects and/or other related infrastructure projects, such as bike paths, walking paths, and sidewalks, and provide documentation (both photographic and otherwise).

Groups consisting of the entities specializing in components of the green space project such as project management, site identification, tree selection, tree planting, construction and infrastructure development, outreach, and maintenance are encouraged to submit a proposal together. Such applications may improve the cost effectiveness and efficiency of project implementation which would maximize the number of green space projects and area of green space(s) installed. The maintenance requirements over the Project Life extend beyond the liquidation deadline of these funds. Therefore, entities entrusted by the public (e.g., municipalities, public agencies) are encouraged to apply to help manage these funds and ensure the maintenance obligations are met. Contractor(s) may be required to agree to terms to maintain their green space project(s) over its Project Life.

The contractor(s) shall be able to demonstrate knowledge and prior experience with green space projects and be knowledgeable about applicable federal, state, and local rules and regulations, including the California Department of Forestry and Fire Protection (CAL FIRE) Urban and Community Forestry Grant Guidelines⁷ and California Department of Food and Agriculture's Plant Quarantine Manual⁸, California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) requirements, and permit requirements relating to implementation of green space projects. The contractor(s) should also be familiar with CARB's Air Quality and Land Use Handbook: A Community Health Perspective as well and be informed

⁶ Private schools are not eligible for funding. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State (California Constitution Article 9 § 8). Further, neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI (California Constitution Article 16 § 5).

⁷ Appendix F, CAL FIRE Urban and Community Forestry Grant Guidelines. Available at: <https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/what-we-do/grants/urban-and-community-forestry/urban-forestry-grants-project-applications-forms-and-information/grant-guidelinesgreen-schoolyards322.pdf?rev=02f2214bf26c4ef397b2e70b5ac9e8ad&hash=F5A38AA2A98E7D699AC33EF0D50E3143#page=42>.

⁸ California Department of Food and Agriculture Plant Quarantine Manual. Available at: http://pi.cdffa.ca.gov/pgm/manual/html/pgm_index.htm#exterior.

about issues involving the siting of sensitive uses.⁹ The eligible contractor(s) can be the primary contractor or can be hired by public or private entities to implement green space projects; the primary contractor may decide to hire multiple subcontractors to implement green space projects. Requirements for contractor(s) are outlined below and in Section VII – Proposal Submittal Requirements.

A. Proposer must submit the following:

1. Narrative discussing how the proposed green space installation(s) will increase tree canopy coverage and/or recreational opportunities;
2. If applicable, a list of which tree species and an estimate of the number of trees that will be planted (trees must be low-VOC, drought-tolerant, non-poisonous), an estimate of the increased tree canopy coverage, and the total area (i.e., square footage) of the green space project area(s).
- a. Table A1 in Attachment A of the Green Space Project Plan provides a pre-approved tree list which includes trees identified in TreePeople’s City of Los Angeles Approved Street Tree List for having low emissions of VOCs and low watering requirements. If applicants are proposing to plant tree species listed in Table A1, no further South Coast AQMD approval is required.
- b. If applicants are proposing to plant tree species not listed in Table A1 of the Green Space Project Plan, applicants must submit evidence deemed acceptable by South Coast AQMD that the proposed tree species have low potential for VOC emissions and are drought tolerant.¹⁰
- c. Documentation indicating whether or not the relevant municipality has requirements on eligible tree species.¹¹
3. If applicable, information on the proposed installation of infrastructure promoting more active forms of transportation such as bike or pedestrian paths, and the total area (i.e., square footage) of the green space project area(s);
4. If applicable, information regarding plans to leverage other sources of funding for the installation of infrastructure with an air quality benefit, such as agreements to allow the installation of solar panels or vehicle charging stations to help fund the purchase of land for green space projects or for shade infrastructure at bus stops in green space project area(s)

⁹ CARB. Air Quality and Land Use Handbook: A Community Health Perspective. Available at: <https://files.ceqanet.opr.ca.gov/221458-6/attachment/UNr-g159CW-r0G4DR8q6daNdAKT3RJTD8gGQCfz4wqFfl-eNdZNQEjif8tfls1x6Gsae7YqpXwtFIZBd0>.

¹⁰ Applicants may use an article referenced in Attachment A of the Green Space Project Plan which lists tree species with low potential for VOC emissions, but they must identify which of those species are drought-tolerant. Acceptable evidence demonstrating a tree species’ drought-tolerance or low potential for VOC emissions can include scientific journal articles; published reports or documents by public agencies; or other documents published by other entities which have been vetted or approved by a public agency or scientific body.

¹¹ If the proposed green space installation is within the jurisdiction of a municipality that has its own requirements about eligible tree species, those requirements supersede those of this RFP and the Green Space Project Plan. It is the responsibility of the applicant to ensure all relevant municipal requirements are met. Acceptable documentation of such requirements or lack thereof can include published reports or documents by a given municipality and/or copies of correspondence with municipal staff, including their contact information.

5. If applicable, information regarding plans for cost sharing agreements or leveraging of CAPP Incentive funds to help fund the maintenance of the green space installation(s)¹²
6. A commitment to provide documentation of compliance with CEQA and/or NEPA, and other federal, state, and local rules, regulations, and statutes, if applicable;
7. A commitment to provide documentation demonstrating that all property taxes of proposed project area(s) are current at the time of proposal, if applicable;
8. Narrative discussing adherence to the CAL FIRE Urban and Community Forestry Grant Guidelines, Appendix F – CAL FIRE Standards and Specifications for Purchasing, Planting, and Maintaining Trees;
9. A commitment to provide documentation of compliance with California’s Plant Quarantine Manual when obtaining plant species or material originating from outside of Los Angeles County and other relevant federal, state, and local transport restrictions accordingly;
10. A commitment to provide documentation of plans to comply with the most current versions of any applicable South Coast AQMD rules, including but not limited to, Rule 402 – Public Nuisance¹³ and Rule 403 – Fugitive Dust¹⁴;
11. Narrative discussing adherence to the land use recommendations for siting new sensitive receptors such as parks near sources of air pollution found in CARB’s Air Quality and Land Use Handbook: A Community Health Perspective;
12. A commitment to provide documentation of plans to perform maintenance, or to establish agreements with partnering entities to perform maintenance of the green space project area(s) for the Project Life;
13. A commitment to making the project available for inspection, if requested by South Coast AQMD and/or CARB, during the Project Implementation and/or Project Life;
14. A commitment to providing photo documentation of Project Implementation, and on an annual basis to demonstrate that project maintenance is occurring throughout the Project Life.
15. A payment schedule outlining the payment terms in accordance with the Schedules of Deliverables in Section V – Statement of Work/Schedule of Deliverables;
16. Narrative describing contractor’s green space installation experience, including a minimum of two examples for each contractor and/or subcontractor(s) demonstrating

¹² An example includes establishing maintenance agreements with collaborators (e.g., municipalities) who share a mutual interest in the success of the green space project(s) and are able to maintain them for their Project Life using separate financial resources. Other examples include leveraging CAPP Incentive funds towards projects with an air quality benefit, such as granting access to electrical infrastructure to utilities or other companies to install vehicle charging stations or solar panels in the project area (or elsewhere in the SELA community) in exchange for funding the maintenance for green space installations. Another example includes committing to the use of zero-emission lawn and garden equipment to maintain the installed green space(s) throughout the duration of the Project Life. Additional details may be found in the Green Space Project Plan.

¹³ South Coast AQMD, Rule 402 – Public Nuisance. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf?sfvrsn=4>.

¹⁴ South Coast AQMD, Rule 403 – Fugitive Dust. Available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403.pdf?sfvrsn=4>.

successfully implemented green space projects (e.g., photos and past completion reports);

17. Information on the proposed project area(s) including: a description of the location, current use, and existing conditions, including existing infrastructure promoting active forms of transportation such as bike or pedestrian paths; pictures(s) in its current condition;
18. Estimates for annual water usage requirements for total green space project area(s) as described in the Green Space Project Plan^{Error! Bookmark not defined.};
19. Any qualitative benefits from the green space project(s);
20. Identification of sensitive receptors such as residences, schools, day care centers, libraries, and hospitals located within 1,000 feet of a green space project area;
21. Detailed plans on outreach to the CSC via meetings, workshops, reports, and other avenues to solicit community feedback and provide project updates;
22. Other supporting documents, as needed; and
23. Documentation demonstrating conflicts of interest, if any.

It is the responsibility of the contractor(s) to ensure that all information submitted is accurate and complete. If the contractor(s) hire(s) a subcontractor(s) to implement the green space project, it is the responsibility of the contractor(s) to submit all required information on behalf of the subcontractor(s) and ensure that all information submitted is accurate and complete. Contractor(s) will submit green space project bids based on the requirements laid out in this section and Section VII – Proposal Submittal Requirements. Selected contractor(s) may not claim emission reductions credits from the project during the entire contract period.¹⁵

SECTION VII: PROPOSAL SUBMITTAL REQUIREMENTS

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

Each proposal must be submitted in three separate volumes:

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

A separate cover letter including the name, address, and telephone number of the contractor, and signed by the person or persons authorized to represent the Firm should accompany the

¹⁵ CARB. Community Air Protection Incentives 2019 Guidelines. Available at: https://ww2.arb.ca.gov/sites/default/files/2020-10/cap_incentives_2019_guidelines_final_rev_10_14_2020_0.pdf#page=93.

proposal submission. Firm contact information as follows should also be included in the cover letter:

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

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

VOLUME I - TECHNICAL PROPOSAL

DO NOT INCLUDE ANY COST INFORMATION IN THE TECHNICAL VOLUME

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

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

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

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

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

1. List all key personnel assigned to the project by level, name and location. Provide a resume or similar statement describing the background, qualifications and experience of the lead person and all persons assigned to the project. Substitution of project manager or lead personnel will not be permitted without prior written approval of South Coast AQMD.
2. Provide a spreadsheet of the labor hours proposed for each labor category at the task level.
3. Provide a statement indicating whether or not the work will be performed within the AB 617 SELA boundary.
4. Provide a statement of education and training programs provided to, or required of, the staff identified for participation in the project, particularly with reference to management consulting, governmental practices and procedures, and technical matters.
5. Provide a summary of your Firm's general qualifications to meet required qualifications and fulfill statement of work, including additional Firm personnel and resources beyond those who may be assigned to the project.

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

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

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

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

VOLUME II - COST PROPOSAL

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

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

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

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

SECTION VIII: PROPOSAL SUBMISSION

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

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

Due Date - **All proposals are due no later than 2:00 p.m., May 3, 2024, and should be directed to:**

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

Submittal - Submit four (4) complete copies of the proposal in a sealed envelope, plainly marked in the upper left-hand corner with the name and address of the Proposer and the words "Request for Proposals P2024-08." In addition, submit one (1) electronic copy of the proposal on a flash drive inside an envelope.

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

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

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

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

SECTION IX: PROPOSAL EVALUATION/CONTRACTOR SELECTION CRITERIA

- A. Green space project bids received during this RFP solicitation period will be evaluated by an evaluation panel based on the scoring criteria identified in the Green Space Project Plan and below in this RFP. The evaluation panel will be established consisting of two (2) to five (5) South Coast AQMD staff. The panel shall be appointed by the Executive Officer or their designee. In addition, the evaluation panel may include such outside public sector or academic community expertise as deemed desirable by the Executive Officer. The applications will also be presented to the CSC whose collective feedback will be factored into final score for each application, as shown in Table 1 – Scoring Criteria for Bid Evaluation.
- B. For all criteria except for CSC review and support, points will be scored on a relative basis. For example, for the criteria of Projected area of increased green space, the application that proposes the largest increase of green space area will receive the highest points available (i.e., 10 points) and all other bids will receive a point value to scale (i.e., less than 10 points). The score for CSC review and support will be determined by averaging the points received from CSC members.
- C. After all bids have been reviewed, scored, and ranked, the evaluation panel will provide their recommendation to the South Coast AQMD Governing Board Chair (or by the Chair's designation, the Executive Officer) for final selection of the green space project bid(s) and execution of contract(s). Upon final selection, the resulting list of selected contractor(s) and their proposals will be provided to the CSC.
- D. Each evaluation panel member shall be accorded equal weight in their rating of bids. The evaluation panel members shall evaluate the bids according to the specified criteria and numerical weightings set forth below.

1. **Table 1 – Scoring Criteria for Bid Evaluation**

Scoring Criteria	Points Available
Plan Comprehensiveness (0 – 50 points)	
<ul style="list-style-type: none"> • <i>Thoroughness of plans for:</i> <ul style="list-style-type: none"> ○ <i>outreach</i> 3 ○ <i>site identification</i> 3 ○ <i>tree planting¹⁶ and/or active transportation infrastructure</i> 3 ○ <i>acquisition of permits and/or other necessary permissions</i> 3 ○ <i>incorporating CSC feedback¹⁷</i> 3 	
• <i>Applicant's experience completing green space projects</i>	10
• <i>Potential for increased or improved recreational opportunities (e.g., planting trees along existing sidewalks or bike paths, installing new bike paths with trees planted alongside, etc.)</i>	10
• <i>Projected area (i.e., square footage) of increased green space</i>	10
• <i>Maintenance Plan outline</i>	5
Environmental and Other Benefits (0 – 10 points)	
• <i>Detailing of additional benefits from green space project(s) (e.g., proximity to sensitive receptors, shade provided to nearby buildings, etc.)</i>	5
• <i>Funding leveraged to include an air quality benefit with green space installation¹⁸</i>	5
Cost and Resource Effectiveness (0 – 20 points)	
• <i>Project cost per area (i.e., dollars per square foot of total green space area)</i>	10
• <i>Efficient use of water for annual watering requirements for green space projects¹⁹</i>	5
• <i>Cost-sharing and/or leveraging CAPP Incentive funds to support maintenance activities²⁰</i>	5
Project Readiness (0 – 10 points)	
• <i>Readiness²¹ of project implementation</i>	5
• <i>Timeliness²² of project implementation</i>	5
CSC Support (0 – 10 points)	
• <i>CSC review and support*</i>	10
Total Points Available: 100	

¹⁶ As noted in Required Qualifications, any proposed tree species must be drought-tolerant and nonpoisonous, and have low potential for VOC emissions; also, relevant municipal requirements for tree species supersede those of this RFP and the Green Space Project Plan.

¹⁷ A summary of the feedback received from CSC members can be found in Appendix B of the Green Space Project Plan.

¹⁸ Examples include applicants using other sources of funding to: install electric vehicle charging stations or solar panels; add bike or pedestrian paths, or include a strategy to reduce vehicle miles traveled in the SELA community.

¹⁹ Applicants can refer to Appendix A of the Green Space Project Plan to find instructions on how to calculate annual watering requirements.

²⁰ Examples include establishing maintenance agreements with collaborators (e.g., municipalities) using separate funds for maintenance activities; granting access to electrical infrastructure to utilities or other companies to install vehicle charging stations or solar panels in the project area (or elsewhere in the AB 617 SELA community) in exchange for funding the maintenance for green space installation(s); or committing to the use of zero-emission lawn and garden equipment to maintain the green space installation(s) throughout the duration of the Project Life.

²¹ Readiness of the proposal refers to the extent to which the plan is developed and ready for implementation. Applications that are complete and include all necessary permissions, documentation (e.g. permits), details of tree planting activities (e.g., costs, timelines, contracting entity), and gardening equipment and materials (e.g., shovels, trees, tree seedlings, fertilizer), will likely receive full points.

²² Timeliness of the proposal refers to the duration of time in which project implementation will be completed.

* All criteria will be scored on a relative basis except for *CSC review and support*. The score for CSC review and support will be determined by averaging the points received from CSC members.

Additional Points

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

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

Self-Certification for Additional Points

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

- To receive additional points in the evaluation process for the categories of Small Business or Small Business Joint Venture, DVBE or DVBE Joint Venture or Local Business (for non-federally funded projects), the proposer must submit a self-certification at the time of proposal submission certifying that the proposer meets the requirements set forth in Attachments A and B. To receive points for the use of DVBE and/or Small Business subcontractors, at least 25 percent of the total contract value must be subcontracted to DVBEs and/or Small Businesses. To receive points as a Zero or Near-Zero Emission Vehicle Business, the proposer must demonstrate to the Executive Officer, or designee, that supplies and materials delivered to South Coast AQMD are delivered in vehicles that operate on clean-fuels. To receive points as a Local Business, the proposer must affirm that it has an ongoing business within the South Coast AQMD at the time of bid/proposal submittal and that 90% of the work related to the contract will be performed within the South Coast AQMD. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points. Federally funded projects are not eligible for local business incentive points. To receive points as an Off-Peak Hours Delivery Business, the proposer must submit, at proposal submission, certification of its commitment to delivering supplies and materials to South Coast AQMD between the hours of 10:00 a.m. and 3:00 p.m. To receive points for Most Favored Customer status, the proposer must submit, at proposal submission, certification of its commitment to provide most favored customer status to the South Coast AQMD. The cumulative points awarded for Small Business, DVBE, use of Small Business or DVBE Subcontractors, Local Business, Zero or Near-Zero Emission Vehicle Business, Off-Peak Hour Delivery Business and Most Favored Customer shall not exceed 17 points.

3. For procurement of Research and Development (R & D) projects or projects requiring technical or scientific expertise or special projects requiring unique knowledge and abilities, technical factors including past experience shall be weighted at 80 points and cost shall be weighted at 20 points. A proposal must receive at least 64 out of 80 points on R & D projects and projects requiring technical or scientific expertise or special projects requiring unique knowledge and abilities, in order to be deemed qualified for award.
4. The lowest cost proposal will be awarded the maximum cost points available and all other cost proposals will receive points on a prorated basis. For example, if the lowest cost proposal is \$1,000 and the maximum points available are 20 points, this proposal would receive the full 20 points. If the next lowest cost proposal is \$1,100 it would receive 18 points reflecting the fact that it is 10% higher than the lowest cost (90% of 20 points = 18 points).
- E. During the selection process the evaluation panel may wish to interview some proposers for clarification purposes only. No new material will be permitted at this time. Additional information provided during the bid review process is limited to clarification by the Proposer of information presented in his/her proposal, upon request by South Coast AQMD.
- F. The Executive Officer or Governing Board may award the contract to a Proposer other than the Proposer receiving the highest rating in the event the Governing Board determines that another Proposer from among those technically qualified would provide the best value to South Coast AQMD considering cost and technical factors. The determination shall be based solely on the Evaluation Criteria contained in the Request for Proposal (RFP), on evidence provided in the proposal and on any other evidence provided during the bid review process.
- G. Selection will be made based on the above-described criteria and rating factors. The selection will be made by and is subject to Executive Officer or Governing Board approval. Proposers may be notified of the results by letter.
- H. The Governing Board has approved a Bid Protest Procedure which provides a process for a Bidder or prospective Bidder to submit a written protest to South Coast AQMD Procurement Manager in recognition of two types of protests: Protest Regarding Solicitation and Protest Regarding Award of a Contract. Copies of the Bid Protest Policy can be secured through a request to South Coast AQMD Procurement Department.
- I. The Executive Officer or Governing Board may award contracts to more than one proposer if in (his or their) sole judgment the purposes of the (contract or award) would best be served by selecting multiple proposers.
- J. If additional funds become available, the Executive Officer or Governing Board may increase the amount awarded. The Executive Officer or Governing Board may also select additional proposers for a grant or contract if additional funds become available.
- K. Disposition of Proposals – Pursuant to South Coast AQMD's Procurement Policy and Procedure, South Coast AQMD reserves the right to reject any or all proposals. All proposals become the property of South Coast AQMD, and are subject to the California Public Records Act. One copy of the proposal shall be retained for South Coast AQMD files. Additional copies and materials will be returned only if requested and at the proposer's expense.

- L. If proposal submittal is for a Public Works project as defined by State of California Labor Code Section 1720, Proposer is required to include Contractor Registration No. in Attachment B. Proposal submittal will be deemed as non-responsive and Bidder may be disqualified if Contractor Registration No. is not included in Attachment B. Proposer is alerted to changes to California Prevailing Wage compliance requirements as defined in Senate Bill 854 (Stat. 2014, Chapter 28), and California Labor Code Sections 1770, 1771, 1725, 1777, 1813 and 1815.**

M. PERFORMANCE AND PAYMENT BONDS

Before execution of the Contract, the Contractor shall file surety bonds in the amounts and for the purpose specified in the Request for Proposal (RFP). Bonds shall be issued by a surety who is listed in the latest version of U.S. Department of Treasury Circular 570, who is authorized to issue bonds in California, and whose bonding limitation shown in said circular is sufficient to provide bonds in the amount required by the Contract shall be approved by South Coast AQMD. Bonds from all other sureties shall be accompanied by all of the documents enumerated in the Code of Civil Procedure, Section 995.660a).

Each bond shall incorporated, by reference, the Contract and be signed by both the Bidder and Surety. The signature of the authorized agent of the Surety shall be notarized. The Contractor shall provide 2 good and sufficient surety bonds.

PERFORMANCE BOND

The Performance Bond shall be for 100 percent of the Contract Price to guaranty faithful performance of all work, within the time prescribed, in a manner satisfactory to South Coast AQMD, and that all materials and workmanship will be free from original or developed defects. The bond must remain in effect until the end of all warranty periods as set forth in the Contract Documents

The selected Contractor shall be required to furnish and pay all bond premiums, costs and incidentals listed below.

Should any bond become insufficient, the Contractor shall renew the bond within 10 Days after receiving notice from South Coast AQMD.

Should any surety at any time be unsatisfactory to South Coast AQMD, notice to the effect will be given to the Contractor. No further payments shall be deemed due or will be made under the Contract until a new surety qualifies and is accepted by South Coast AQMD.

Changes in the Project or extension of time, made pursuant to the Contract, shall in no way release the Contractor of Surety from the obligation. Notice of such changes or extensions shall be waived by the Surety.

PAYMENT BOND

Within fourteen days after execution of the Contract by South Coast AQMD and prior to performing any work under the Contract, the CONTRACTOR shall file with South Coast AQMD, a Payment Bond (material and labor bond) in an amount equal to one hundred (100) percent of the contract price, to satisfy claims of material suppliers and of mechanics and laborers employed by the Contractor to perform the work.

The Payment Bond shall be not for less than 100 percent of the Contract price, to satisfy claims of material suppliers and mechanics and laborers employed on the Project. The Bond shall be maintained by the Contractor in full force and effect until the performance of the Contract is accepted by South Coast AQMD and until all claims for materials and labor

are paid, and otherwise comply with the Civil Code. Contractor shall provide South Coast AQMD with Conditional Lien Releases with each payment request and Unconditional Lien Releases for the final payment for all material suppliers, mechanics and laborers employed on the Project.

UNSATISFACTORY SURETIES

Should any Surety, at any time, be deemed unsatisfactory by South Coast AQMD, notice will be given to the Contractor to that effect. No further payments shall be deemed due, or will be made under the Contract until a new Surety shall qualify and be accepted by South Coast AQMD.

EFFECT OF CHANGES IN THE WORK/EXTENSIONS OF TIME ON THE SURETY

Changes in the work, or extensions of time, made pursuant to the Contract, shall in no way release the Contractor or the Surety from their obligations under the bond. Notice of such changes or extensions shall be waived by the Surety.

SECTION X: FUNDING

The funding amount available for the implementation of green space project(s) in the AB 617 SELA community is \$2.5 million. Multiple green space project proposals may be awarded, depending on the green space project proposal(s) received, estimated green space project(s) cost, and various factors in the selection process.

Table 2 – Maximum Funding Percentage of Project Costs

Project Costs	Funding Amount
Gardening Equipment and Materials ^{Error!} Bookmark not defined. (including water for maintenance)	100%
Software Applications (e.g., Geographic Information System (GIS) software)	100%
Outreach Materials	100%
Labor and Construction (e.g., outreach, planting activities)	100%

Potential Applicants already in possession of necessary equipment and materials such as software and gardening equipment are encouraged to apply. Project readiness will be considered during the proposal review process and applicants already in possession of necessary equipment and materials will be given preference.

Additionally, up to ten (10) percent of the awarded grant may be budgeted for non-construction costs, including equipment mobilization, design, and direct project management and administration. Another five (5) percent may be budgeted for contingency costs (i.e., unforeseen costs such as permitting delays, material acquisition, inflation).

The following costs are eligible for funding:

- Equipment and materials (e.g., software applications, shovels, trees, tree seedlings, fertilizer, construction materials for bike, pedestrian pathways, etc.)
- Labor and construction (including contracted services)
- Outreach materials
- Fees for obtaining necessary permits and/or permissions solely related to installation of green spaces (although preference will be given to applicants with existing permits or the ability to obtain permits at the applicant's own expense)
- Maintenance for green space projects including watering (although preference will be given to applicants who are able to use other funding sources as indicated in Table 1)
- Signs and interpretive aids communicating information about the project
- Up to 10% of the grant request may be budgeted for non-construction costs, including equipment and material mobilization, design, and direct project management and administration
- Up to 5% of the grant request may be budgeted for contingency costs (i.e., unforeseen costs)

The following costs are ineligible to receive funding:

- Overhead (e.g., office rent, utilities, office equipment and supplies, etc.)

No purchase orders may be placed, or work performed under this RFP until after the date of award approval by the South Coast AQMD Governing Board Chair (or by the Chair's designation, the Executive Officer). Any orders placed or payments made in advance of an executed contract with the South Coast AQMD are done at the risk of the contractor. The South Coast AQMD has no obligation to fund the project until a contract is fully executed by both parties. All project costs shall be clearly indicated in the proposal. In addition, the contractor(s) shall include any sources of co-funding and the amount of each co-funding source in the green space project proposal.

SECTION XI: SAMPLE CONTRACT

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

ATTACHMENT A

PARTICIPATION IN THE PROCUREMENT PROCESS

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

B. Definitions:

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

1. "Women business enterprise" (WBE) as used in this policy means a business enterprise that meets all of the following criteria:
 - a. a business that is at least 51 percent owned by one or more women, or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more or women.
 - b. a business whose management and daily business operations are controlled by one or more women.
 - c. a business which is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.
2. "Disabled veteran" as used in this policy is a United States military, naval, or air service veteran with at least 10 percent service-connected disability who is a resident of California.
3. "Disabled veteran business enterprise" (DVBE) as used in this policy means a business enterprise that meets all of the following criteria:
 - a. is a sole proprietorship or partnership of which at least 51 percent is owned by one or more disabled veterans or, in the case of a publicly owned business, at least 51 percent of its stock is owned by one or more disabled veterans; a subsidiary which is wholly owned by a parent corporation but only if at least 51 percent of the voting stock of the parent corporation is owned by one or more disabled veterans; or a joint venture in which at least 51 percent of the joint venture's management and control and earnings are held by one or more disabled veterans.

- b. the management and control of the daily business operations are by one or more disabled veterans. The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business.
 - c. is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm, or other foreign-based business.
4. "Local business" as used in this policy means a company that has an ongoing business within geographical boundaries of South Coast AQMD at the time of bid or proposal submittal and performs 90% of the work related to the contract within the geographical boundaries of South Coast AQMD and satisfies the requirements of subparagraph H below. Proposals for legislative representation, such as in Sacramento, California or Washington D.C. are not eligible for local business incentive points.
5. "Small business" as used in this policy means a business that meets the following criteria:
- a. 1) an independently owned and operated business; 2) not dominant in its field of operation; 3) together with affiliates is either:
 - A service, construction, or non-manufacturer with 100 or fewer employees, and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years, or
 - A manufacturer with 100 or fewer employees.
 - b. Manufacturer means a business that is both of the following:
 - 1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.
 - 2) Classified between Codes 311000 and 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.
6. "Joint ventures" as defined in this policy pertaining to certification means that one party to the joint venture is a DVBE or small business and owns at least 51 percent of the joint venture.
7. "Zero or Near-Zero Emission Vehicle Business" as used in this policy means a company or contractor that uses Zero or Near-Zero emission vehicles in conducting deliveries to South Coast AQMD. Zero or Near-Zero emission vehicles include vehicles powered by electric, compressed natural gas (CNG), liquefied

natural gas (LNG), liquefied petroleum gas (LPG), ethanol, methanol and hydrogen and are certified to 90% or lower of the existing standard.

8. "Off-Peak Hours Delivery Business" as used in this policy means a company or contractor that commits to conducting deliveries to South Coast AQMD during off-peak traffic hours defined as between 10:00 a.m. and 3:00 p.m.
9. "Benefits Incentive Business" as used in this policy means a company or contractor that provides janitorial, security guard or landscaping services to South Coast AQMD and commits to providing employee health benefits (as defined below in Section VIII.D.2.d) for full time workers with affordable deductible and co-payment terms.
10. "Minority Business Enterprise" as used in this policy means a business that is at least 51 percent owned by one or more minority person(s), or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more or minority persons.
 - a. a business whose management and daily business operations are controlled by one or more minority persons.
 - b. a business which is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.
 - c. "Minority person" for purposes of this policy, means a Black American, Hispanic American, Native-American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian (including a person whose origins are from India, Pakistan, and Bangladesh), Asian-Pacific-American (including a person whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan).
11. "Most Favored Customer" as used in this policy means that the South Coast AQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.
12. "Disadvantaged Business Enterprise" as used in this policy means a business that is an entity owned and/or controlled by a socially and economically disadvantaged individual(s) as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note) (10% statute), and Public Law 102-389 (42 U.S.C. 4370d)(8% statute), respectively;
 - a Small Business Enterprise (SBE);
 - a Small Business in a Rural Area (SBRA);
 - a Labor Surplus Area Firm (LSAF); or
 - a Historically Underutilized Business (HUB) Zone Small Business Concern, or a concern under a successor program.

- C. Under Request for Quotations (RFQ), DVBEs, DVBE business joint ventures, small businesses, and small business joint ventures shall be granted a preference in an amount equal to 5% of the lowest cost responsive bid. Zero or Near-Zero Emission Vehicle Businesses shall be granted a preference in an amount equal to 5 percent of the lowest cost responsive bid. Off-Peak Hours Delivery Businesses shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid. Local businesses (if the procurement is not funded in whole or in part by federal grant funds) shall be granted a preference in an amount equal to 2% of the lowest cost responsive bid. Businesses offering Most Favored Customer status shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid.
- D. Under Request for Proposals, DVBEs, DVBE joint ventures, small businesses, and small business joint ventures shall be awarded ten (10) points in the evaluation process. A non-DVBE or large business shall receive seven (7) points for subcontracting at least twenty-five (25%) of the total contract value to a DVBE and/or small business. Zero or Near-Zero Emission Vehicle Businesses shall be awarded five (5) points in the evaluation process. On procurements which are not funded in whole or in part by federal grant funds local businesses shall receive five (5) points. Off-Peak Hours Delivery Businesses shall be awarded two (2) points in the evaluation process. Businesses offering Most Favored Customer status shall be awarded two (2) points in the evaluation process.
- E. South Coast AQMD will ensure that discrimination in the award and performance of contracts does not occur on the basis of race, color, sex, national origin, marital status, sexual preference, creed, ancestry, medical condition, or retaliation for having filed a discrimination complaint in the performance of South Coast AQMD contractual obligations.
- F. South Coast AQMD requires Contractor to be in compliance with all state and federal laws and regulations with respect to its employees throughout the term of any awarded contract, including state minimum wage laws and OSHA requirements.
- G. When contracts are funded in whole or in part by federal funds, and if subcontracts are to be let, the Contractor must comply with the following, evidencing a good faith effort to solicit disadvantaged businesses. Contractor shall submit a certification signed by an authorized official affirming its status as a MBE or WBE, as applicable, at the time of contract execution. South Coast AQMD reserves the right to request documentation demonstrating compliance with the following good faith efforts prior to contract execution.
1. Ensure Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
 2. Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

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



South Coast Air Quality Management District

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

Business Information Request

Dear South Coast AQMD Contractor/Supplier:

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

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

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

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

Sincerely,

Sujata Jain
Chief Financial Officer

DH;jn

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



South Coast Air Quality Management District

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

BUSINESS INFORMATION REQUEST

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

REMITTING ADDRESS INFORMATION

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

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

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

BUSINESS STATUS CERTIFICATIONS

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

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

Statements of certification:

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

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

Self-Certification Verification: Also for use in awarding additional points, as applicable, in accordance with South Coast AQMD Procurement Policy and Procedure:

Check all that apply:

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

Percent of ownership: _____ %

Name of Qualifying Owner(s): _____

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

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

NAME

TITLE

TELEPHONE NUMBER

DATE

Definitions

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

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

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

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

- has an ongoing business within the boundary of South Coast AQMD at the time of bid application.
- performs 90 percent of the work within South Coast AQMD’s jurisdiction.

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

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

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

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

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

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

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

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

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

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), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account 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)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	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.

TAXABLE YEAR

CALIFORNIA FORM

2021 Withholding Exemption Certificate

590

The payee completes this form and submits it to the withholding agent. The withholding agent keeps this form with their records.

Withholding Agent Information

Name

Payee Information

Name

SSN or ITIN FEIN CA Corp no. CA SOS file no.

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

City (If you have a foreign address, see instructions.)

State ZIP code

Exemption Reason

Check only one box.

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

Individuals — Certification of Residency:

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

Corporations:

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

Partnerships or Limited Liability Companies (LLCs):

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

Tax-Exempt Entities:

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

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

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

California Trusts:

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

Estates — Certification of Residency of Deceased Person:

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

Nonmilitary Spouse of a Military Servicemember:

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

CERTIFICATE OF PAYEE: Payee must complete and sign below.

To learn about your privacy rights, how we may use your information, and the consequences for not providing the requested information, go to ftb.ca.gov/forms 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 F 182
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 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 (SCAQMD) Board Members or members/alternates of the MSRC, including: the name of the party making the contribution (which includes any parent, subsidiary or otherwise related business entity, as defined below), the amount of the contribution, and the date the contribution was made. 2 C.C.R. §18438.8(b). Where a proposed rule or proposed amended rule impacts three or fewer facilities, those facilities will be treated in much the same manner as contracting parties and so must also complete this form, disclosing information relating to any campaign contributions made to any SCAQMD Board Members. See Quadri Advice Letter (2002) A-02.096.1 In the event that a qualifying campaign contribution is made, the Board Member to whom it was made may be disqualified from participating in the actions involving that donor.

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

In addition, SCAQMD Board Members or members/alternates of the MSRC must abstain from voting on a contract or permit if they have received a campaign contribution from a party or participant to the proceeding, or agent, totaling more than \$250 in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC. Gov't Code §84308(c).

The list of current SCAQMD Governing Board Members can be found at the SCAQMD 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?

¹ The information provided on this form does not, and is not intended to, constitute legal advice. To the extent that you may have questions regarding any case law, citations, or legal interpretations provided above please seek the guidance of your own independent counsel.

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

Campaign Contributions Disclosure, continued:

Name of Contributor _____

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

Name of Contributor _____

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

Name of Contributor _____

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

Name of Contributor _____

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

I declare the foregoing disclosures to be true and correct.

By: _____

Title: _____

Date: _____

DEFINITIONS

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

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



South Coast Air Quality Management District

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

Direct Deposit Authorization

STEP 1: Please check all the appropriate boxes

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

STEP 2: Payee Information

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

Authorization

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

STEP 3:

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

To be Completed by your Bank

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

For South Coast AQMD Use Only

Input By _____

Date _____