



# South Coast Air Quality Management District

South Coast  
AQMD

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

## TECHNOLOGY COMMITTEE MEETING

### Committee Members

Vice Mayor Rex Richardson, Chair  
Supervisor Andrew Do  
Board Member Gideon Kracov  
Mayor Larry McCallon  
Board Member Veronica Padilla-Campos  
Mayor Carlos Rodriguez

**November 18, 2022 ♦ 12:00 p.m.**

Pursuant to Assembly Bill 361, a meeting of the South Coast Air Quality Management District Technology Committee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

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

*Join Zoom Meeting - from PC or Laptop*

<https://scaqmd.zoom.us/j/96669409722>

**Zoom Webinar ID: 966 6940 9722 (applies to all)**

**Teleconference Dial In**

+1 669 900 6833

**One-Tap Mobile**

+16699006833, 96669409722#

**Audience will be able to provide public comment through telephone or Zoom connection during public comment periods.**

**PUBLIC COMMENT WILL STILL BE TAKEN**

**Phone controls for participants:**

The following commands can be used on your phone's dial pad while in Zoom Webinar meeting

- \*6 - Toggle mute/unmute
- \*9 - Raise hand

*Cleaning the air we breathe...*

**AGENDA**

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

**CALL TO ORDER**

**ROLL CALL**

**ACTION ITEMS (1-3):**

**1. Appropriate Funds and Authorize Execution of Grant Agreements to Replace Onboard CNG Fuel Tanks on School Buses, and Recognize Funds, Execute Contracts and Reimburse the General Fund for Zero-Emission School Bus Funding Using CARB Supplemental Environmental Project Funds (*Motion Requested*)**

Walter Shen  
Planning & Rules  
Manager

Since 2001, South Coast AQMD has replaced over 1,800 high polluting diesel school buses with CNG and battery electric buses. The fuel tanks on these CNG school buses have a manufacturer's service life of approximately fifteen years before needing to be replaced. In November 2019, the Board approved \$3 million for the onboard CNG Tank Replacement Program to assist schools with replacing CNG fuel tanks and these funds are nearly exhausted. In addition, CARB is providing \$2.9 million in Supplemental Environmental Project (SEP) funds to South Coast AQMD for replacing diesel school buses with zero-emission buses by contracting with local school districts from a Board-approved backup project list. These actions are to: 1) appropriate \$3 million from the Carl Moyer Program AB 923 Fund (80) to replace onboard CNG fuel tanks on public school buses; 2) authorize execution of grant agreements on a first-come, first-served basis to replace onboard CNG fuel tanks until funds are exhausted; 3) recognize up to \$2.9 million into the CARB SEP Special Revenue Fund (87); 4) execute contracts with local school districts to replace diesel school buses with zero-emission buses; and, 5) reimburse the General Fund for administrative costs of up to \$196,040 from the CARB SEP Special Revenue Fund (87).

**2. Issue RFPs, Execute Contracts and Approve Vouchers for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program (*Motion Requested*)**

Walter Shen  
Planning & Rules  
Manager

Since 2017, South Coast AQMD has implemented the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program using funding from U.S. EPA's Targeted Airshed Grant Program. In December 2021, the Board recognized \$2,167,936 from U.S. EPA's FY 2021 Targeted

Airshed Grant Program and \$1,169,169 in South Coast AQMD match share. In June 2022, the Board recognized an additional \$5,000,000 from Carl Moyer State Reserve funds for FY 2021-22 for commercial lawn and garden equipment projects eligible under the Carl Moyer Program. These actions are to issue RFPs to solicit outreach support as well as for assistance regarding pricing and retailer lists from commercial-grade electric lawn and garden equipment manufacturers and to authorize the Executive Officer to execute contracts with, and approve vouchers to be issued to, qualified retailers and execute a contract for outreach support in an amount not to exceed \$70,000 using up to \$50,000 from the administrative portions of the Carl Moyer Program Fund (32) and \$20,000 from the Advanced Technology, Outreach and Education Fund (17).

**3. Adopt Resolution Recognizing Funds for FY 2022-23 Carl Moyer Program and Issue Program Announcements for Carl Moyer and SOON Programs (*Motion Requested*)**

Alyssa Yan  
Program Supervisor

The Carl Moyer and SOON Programs provide incentive funding to owners of diesel engines and equipment to retrofit, repower, or replace their engines with newer and cleaner models that exceed regulatory requirements. These actions are to: 1) Adopt a Resolution recognizing up to \$47 million in Carl Moyer Program grant funds from CARB with its terms and conditions for FY 2022-23; and 2) Issue Program Announcements for “Year 25” of the Carl Moyer Program and the SOON Program to solicit applications for eligible zero and low-emitting on- and off-road vehicles and equipment, including marine vessels and locomotives, and supporting infrastructure.

**INFORMATIONAL ITEM:**

**4. Lithium Battery Recycling: The ReCell Center in Argonne National Laboratory**

Jeffrey  
Spangenberg  
Argonne National  
Laboratory

Lithium-ion batteries from older electric vehicles are now starting to reach their end of life. ReCell at Argonne National Laboratory is working to develop, scale-up, and demonstrate battery recycling processes that reduce cost and increase revenue to improve the economics of responsible lithium-ion end of life battery management and to develop solutions which are transferrable to industry. This informational presentation will provide a summary of ReCell’s work to evaluate and advance cost effective and sustainable recycling of end-of-life advanced batteries.

**5. Other Business**

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Gov’t. Code Section 54954.2)

**6. Public Comment Period**

At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Committee's authority that is not on the agenda. Speakers may be limited to three (3) minutes each.

**7. Next Meeting Date**

Friday, January 20, 2023 at 12:00 p.m.

**ADJOURNMENT**

**Document Availability**

*All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available by contacting Penny Shaw Cedillo at 909.396.3179, or send the request to [pcedillo@aqmd.gov](mailto:pcedillo@aqmd.gov).*

**Americans with Disabilities Act and Language Accessibility**

*Disability and language-related accommodations can be requested to allow participation in the Technology Committee meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to South Coast AQMD. Please contact Penny Shaw Cedillo at 909.396.3179 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to [pcedillo@aqmd.gov](mailto:pcedillo@aqmd.gov).*

## **INSTRUCTIONS FOR ELECTRONIC PARTICIPATION**

### **Instructions for Participating in a Virtual Meeting as an Attendee**

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

**Please note:** During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

Speakers may be limited to a total of 3 minutes for the entirety of the consent calendar plus board calendar, and three minutes or less for each of the other agenda items.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

**Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.**

### **Directions for Video ZOOM on a DESKTOP/LAPTOP:**

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

### **Directions for Video Zoom on a SMARTPHONE:**

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

### **Directions for TELEPHONE line only:**

- If you would like to make public comment, please **dial \*9** on your keypad to signal that you would like to comment.

BOARD MEETING DATE: December 2, 2022

AGENDA NO.

**PROPOSAL:** Appropriate Funds and Authorize Execution of Grant Agreements to Replace Onboard CNG Fuel Tanks on School Buses, and Recognize Funds, Execute Contracts and Reimburse the General Fund for Zero-Emission School Bus Funding Using CARB Supplemental Environmental Project Funds

**SYNOPSIS:** Since 2001, South Coast AQMD has replaced over 1,800 high polluting diesel school buses with CNG and battery electric buses. The fuel tanks on these CNG school buses have a manufacturer's service life of approximately fifteen years before needing to be replaced. In November 2019, the Board approved \$3 million for the onboard CNG Tank Replacement Program to assist schools with replacing CNG fuel tanks and these funds are nearly exhausted. In addition, CARB is providing \$2.9 million in Supplemental Environmental Project (SEP) funds to South Coast AQMD for replacing diesel school buses with zero-emission buses by contracting with local school districts from a Board-approved backup project list. These actions are to: 1) appropriate \$3 million from the Carl Moyer Program AB 923 Fund (80) to replace onboard CNG fuel tanks on public school buses; 2) authorize execution of grant agreements on a first-come, first-served basis to replace onboard CNG fuel tanks until funds are exhausted; 3) recognize up to \$2.9 million into the CARB SEP Special Revenue Fund (87); 4) execute contracts with local school districts to replace diesel school buses with zero-emission buses; and, 5) reimburse the General Fund for administrative costs of up to \$196,040 from the CARB SEP Special Revenue Fund (87).

**COMMITTEE:** Technology, November 18, 2022, Recommended for Approval

**RECOMMENDED ACTIONS:**

1. Appropriate \$3 million from the Carl Moyer Program AB 923 Fund (80) to continue replacing onboard CNG fuel tanks for public school buses;
2. Authorize the Chairman to execute grant agreements on a first-come, first-served basis until funds are exhausted to continue the replacement of onboard CNG fuel

- tanks on public school buses that are between 14 and 16 years old, under the existing open Program Announcement (#PA2012-16);
3. Recognize, upon receipt, up to \$2.9 million into CARB SEP Special Revenue Fund (87);
  4. Authorize the Chair to execute contracts with local school districts to replace diesel school buses with zero-emission buses from a Board-approved backup list of projects identified in the CARB SEP in an amount up to \$2.7 million from CARB SEP Special Revenue Fund (87); and
  5. Reimburse the General Fund for administrative cost of up to \$196,040 from CARB SEP Special Revenue Fund (87).

Wayne Nastri  
Executive Officer

AK:WS:YJT

---

### **Background**

Since the commencement of the Lower Emission School Bus Program in 2001, the South Coast AQMD has funded about \$325 million in state and local funds to replace over 1,800 diesel school buses primarily with CNG school buses and retrofit over 3,400 diesel school buses with diesel particulate traps. The fuel tanks on the CNG school buses have a manufacturer's service life of approximately fifteen years and then require replacement to continue operating. In April 2012, the Board issued Program Announcement #PA2012-16 using \$3 million from the Carl Moyer Program AB 923 Fund (80) to fund on a first-come, first-served basis the replacement of onboard CNG fuel tanks on public school buses that are between 14 and 16 years old. In November 2019, an additional \$3 million was approved by the Board to continue the onboard CNG tank replacement program for public school districts. However, due to the continuing high demand for onboard CNG tank replacements, there is a need for additional funding.

Staff previously submitted a zero-emission school bus project plan to CARB for any upcoming Supplemental Environmental Project (SEP) funds. In August 2022, as part of the settlement SEP with Fiat Chrysler Automobiles US LLC, CARB will provide up to \$2.9 million directly to South Coast AQMD to replace older diesel school buses with zero-emission replacements. As a result, South Coast AQMD has executed a SEP oversight agreement with CARB.

Staff proposes to utilize the SEP funds on zero-emission school bus projects from an existing backup project list approved by the Board on December 3, 2021. This backup project list has been ranked for each county within the South Coast Air Basin based on the school bus model year, benefits to disadvantaged and/or low-income

communities, and project cost-effectiveness. In addition, CARB requested that the SEP revenue funds be received into a separate special revenue fund to track expenditures and interest generated from the SEP funds.

### **Proposal**

These actions are to appropriate an additional \$3 million from the Carl Moyer Program AB 923 Fund (80) and to authorize execution of grant agreements to continue replacing onboard CNG fuel tanks in public school buses that are between 14 and 16 years old. Per the Lower Emission School Bus Guidelines issued by CARB, a maximum of \$20,000 per bus can be funded for onboard CNG tank replacements. This funding will cover approximately 150 buses at public school districts and will be used to fund applications received in response to the open Program Announcement #PA2012-16 on a first-come, first-served basis until all funds are exhausted.

This action is to also recognize up to \$2.9 million, upon receipt, into CARB SEP Special Revenue Fund (87), reimburse the General Fund for administrative cost of up to \$196,040 from CARB SEP Special Revenue Fund (87), and authorize the Chair to execute contracts with local school districts in an amount up to \$2.7 million from CARB SEP Special Revenue Fund (87). South Coast AQMD staff will work with the school districts identified from the backup project list approved by the Board on December 3, 2021 and develop contracts to deploy zero-emission school buses and supporting infrastructure.

### **Benefits to South Coast AQMD**

Replacement of expiring CNG fuel tanks with new tanks will enable school districts to continue operating their CNG buses for approximately 15 additional years based on their useful life. Also, successful implementation of the CARB SEP to fund zero-emission school buses will reduce NO<sub>x</sub>, ROG, and PM emissions by approximately 0.9 tons per year, 0.07 tons per year, and 0.03 tons per year, respectively. Both actions will provide less polluting cleaner transportation for school children and reduce exposure to toxic diesel particulate matter emissions.

### **Resource Impacts**

Funding for the CNG fuel tank replacement program will be provided from the Carl Moyer Program AB 923 Fund (80). Up to \$2.9 million, upon receipt, will be recognized into CARB SEP Special Revenue Fund (87), and reimbursement of administrative costs will not exceed \$196,040.



# Agenda Item #1

Appropriate Funds and Authorize Execution of Grant Agreements to Replace Onboard CNG Fuel Tanks on School Buses, and Recognize Funds, Execute Contracts and Reimburse the General Fund for Zero-Emission School Bus Funding Using CARB Supplemental Environmental Project Funds

**Walter Shen**

# Background

- Since 2001, South Coast AQMD has replaced over 1,800 diesel school buses
  - Primarily replaced with CNG school buses
  - CNG fuel tanks requires replacement after 15 years of service life
- In April 2012, Program Announcement issued to fund replacement of CNG fuel tanks
- Additional funding needed for CNG replacement tanks due to high demand



# Background (Cont'd)

- In August 2022, CARB settled with Fiat Chrysler Automobiles US LLC under its Supplemental Environmental Project (SEP)
  - \$2.9M to replace older diesel school buses with zero-emission
- South Coast AQMD will administer SEP and fund zero-emission school buses from the December 2021 Board-approved list of school buses
- CARB SEP will reduce NO<sub>x</sub>, ROG and PM emissions by 0.9, 0.07 and 0.03 TPY, respectively



# Proposal

- Approve additional \$3M to continue replacing Onboard CNG fuel tanks for public school buses using Carl Moyer Program AB 923 Fund (80) Fund (87)
- Recognize up to \$2.9M into the CARB SEP Special Revenue Fund (87):
  - Work with School Districts identified from December 2021 Board-approved project list
  - Ranked for each county based on school bus model year, Disadvantaged-Community/Low-Income status and project cost-effectiveness
  - Less \$196,040 for administrative costs to be reimbursed to General Fund

# Recommended Actions

- Approve \$3M from the Carl Moyer Program AB 923 Fund (80) and authorize Chair to execute grant agreements for CNG tank replacements
- Recognize up to \$2.9M into CARB SEP Special Revenue Fund (87) and authorize Chair to execute contracts in the amount up to \$2.7M with local school districts
- Reimburse the General Fund up to \$196,040 for administrative cost from CARB SEP Special Revenue Fund (87)

BOARD MEETING DATE: December 2, 2022

AGENDA NO.

**PROPOSAL:** Issue RFPs, Execute Contracts and Approve Vouchers for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program

**SYNOPSIS:** Since 2017, South Coast AQMD has implemented the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program using funding from U.S. EPA's Targeted Airshed Grant Program. In December 2021, the Board recognized \$2,167,936 from U.S. EPA's FY 2021 Targeted Airshed Grant Program and \$1,169,169 in South Coast AQMD match share. In June 2022, the Board recognized an additional \$5,000,000 from Carl Moyer State Reserve funds for FY 2021-22 for commercial lawn and garden equipment projects eligible under the Carl Moyer Program. These actions are to issue RFPs to solicit outreach support as well as for assistance regarding pricing and retailer lists from commercial-grade electric lawn and garden equipment manufacturers and to authorize the Executive Officer to execute contracts with, and approve vouchers to be issued to, qualified retailers and execute a contract for outreach support in an amount not to exceed \$70,000 using up to \$50,000 from the administrative portions of the Carl Moyer Program Fund (32) and \$20,000 from the Advanced Technology, Outreach and Education Fund (17).

**COMMITTEE:** Technology, November 18, 2022; Recommended for Approval

**RECOMMENDED ACTIONS:**

1. Issue RFP #P2023-06 to solicit bids from commercial-grade electric lawn and garden equipment manufacturers to provide pricing and lists of retailers to support South Coast AQMD's Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program;
2. Issue RFP #P2023-05 to solicit outreach support for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program;
3. Authorize Executive Officer to execute contracts with qualified retailers under RFP #P2023-06;
4. Authorize the Executive Officer to approve vouchers to qualified retailers for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program

not to exceed \$3,000,000 from U.S. EPA FY 21 Targeted Airshed Grant Program and \$4,687,500 from Carl Moyer State Reserve funds;

5. Authorize Executive Officer to execute a contract with a qualified outreach firm under RFP #P2023-05 to provide outreach support for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program in an amount not to exceed \$70,000 using up to \$50,000 from the administrative portions of the Carl Moyer Program Fund (32) and \$20,000 from the Advanced Technology, Outreach and Education Fund (17).

Wayne Natri  
Executive Officer

AK:WS:YJT

---

### **Background**

Since 2017, South Coast AQMD has implemented the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program (eL&G Program) utilizing funding from the U.S. EPA Targeted Air Shed Grant Program. The program replaces old gasoline- or diesel-powered commercial lawn and garden equipment with zero-emission, battery-electric equipment. A variety of makes and models of commercial-grade electric lawn and garden equipment are offered, including handheld trimmers, chainsaws, pruners, backpack and handheld blowers, and lawnmowers, including ride-on, stand-on, and walk-behind mowers. Local governments, school districts, nonprofit organizations and commercial gardeners and landscapers have participated in the eL&G Program, which requires scrapping of the old equipment being replaced. In early 2022, funding was depleted with the replacement of approximately 7,400 gasoline- or diesel-powered commercial lawn and garden equipment.

Staff anticipates continuing implementation of the eL&G Program in the first quarter of 2023. In December 2021, the Board approved funding for the new eL&G Program and recognized \$2,167,936 from U.S. EPA 2021 Targeted Airshed Grant Program and \$1,169,169 in South Coast AQMD match share for areas within the Coachella Valley. In June 2022, the Board recognized \$5,000,000 from Carl Moyer State Reserve funds for FY 2021-22 for commercial lawn and garden equipment projects eligible under the Carl Moyer Program. The total funding available for the eL&G Program (including match share and excluding administrative costs) will be up to \$3,000,000 from U.S. EPA FY 21 Targeted Airshed Grant Program and up to \$4,687,500 from Carl Moyer State Reserve funds.

The eL&G Program will continue to target the replacement of commercial lawn and garden equipment (and batteries), including handheld trimmers, chainsaws, pruners, backpack and handheld blowers, and commercial lawnmowers and will be made



available to local governmental agencies, school districts, nonprofit organizations and commercial gardeners and landscapers. Program participants must scrap equivalent operable gasoline or diesel lawn and garden equipment to qualify for funding. Also, commercial lawn and garden equipment manufacturers have sales experience, marketing insight, and direct contact with retailers. Therefore, staff's proposal includes issuing a RFP for manufacturers to collect commercial lawn and garden equipment pricing and retailer lists. The proposal would also authorize the Executive Officer to execute contracts directly with retailers to support the eL&G Program.

To streamline and minimize administrative work for the program, the new eL&G Program will be a voucher-based process where participating retailers will submit voucher requests on behalf of local governmental agencies, school districts, nonprofit organizations and commercial gardeners and landscapers to South Coast AQMD. Upon approval, vouchers will be issued directly to participating retailers, where a point-of-sale discount will be applied towards eligible electric commercial lawn and garden equipment. Voucher amounts will provide discounts up to 50 to 85 percent as determined by the U.S. EPA FY 21 Targeted Airshed Grant Program workplan and Carl Moyer Program guidelines, respectively. For funds received under the Carl Moyer program, staff will implement the funding amounts identified in Chapter 9: Lawn and Garden Equipment Replacement of the Carl Moyer Program guidelines pending CARB Governing Board approval.

### **Proposal**

Staff proposes to issue RFP #P2023-06 to solicit proposals from zero emission, battery-electric commercial grade lawn and garden equipment manufacturers, including but not limited to, handheld trimmers, chainsaws, pruners, backpack and handheld blowers, and commercial lawnmowers. The solicitation will require competitive pricing information, including any volume discounts for commercial-grade electric lawn and garden equipment models, and to provide information on retailer networks and dismantler networks capable of supporting the eL&G Program. Staff will contract directly with retailers willing to participate and assist with the implementation of the eL&G Program. Staff also proposes to issue RFP #P2023-05 to solicit proposals from vendors qualified to conduct outreach activities to promote the eL&G Program in the South Coast Air Basin (including Coachella Valley). Proposals will be due Tuesday, January 31, 2023, at 1:00 p.m. and the eL&G Program is anticipated to open in March 2023.

To expedite implementation of the eL&G Program, staff is requesting that the Executive Officer execute contracts with qualified retailers and outreach firm(s) of RFP #P2023-05 and #P2023-06, based upon recommendations of the review panel. Staff recommends using \$50,000 from the administrative portions of the Carl Moyer Program Fund (32) and \$20,000 from Advanced Technology, Outreach and Education Fund (17), for a combined \$70,000 for outreach support for implementation of the eL&G Program.



**Bid Evaluation**

Proposals received will be selected based on evaluation criteria specific to each RFP, and successful bidders will be retained through contract(s) based on their qualifications and ability to support the implementation of the eL&G Program. Proposals received under each RFP will be evaluated by a panel of three South Coast AQMD staff members familiar with the work activities, implementation, and resource needs of the eL&G Program. The proposals will be evaluated and scored by the panel in accordance with the requirements of the RFPs and recommendations will be made to the Executive Officer. It is anticipated that multiple awards will be made from these RFPs.

**Outreach**

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

Additionally, potential bidders may be notified utilizing South Coast AQMD's own electronic listing of certified minority vendors. Notice of the RFQ will be emailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations and placed on the Internet at South Coast AQMD's website (<http://www.aqmd.gov>) where it can be viewed by making the selection "Grants & Bids."

**Benefits to AQMD**

Outside expertise with outreach related activities will provide the support essential to the successful messaging and implementation of the eL&G Program throughout the South Coast Air Basin. Also, many manufacturers under the previous eL&G Program have established a collaborative relationship with South Coast AQMD. Staff anticipates that many vendors will apply again under the RFPs and continue their collaboration with South Coast AQMD to provide the zero-emission lawn and garden equipment under the eL&G Program. Staff also anticipates over 7,000 old gasoline- or diesel-powered commercial lawn and garden equipment will be replaced under the eL&G Program, resulting in approximately 16 tons/per of NOx and 180 tons/year of ROG's in emission reductions.

**Resource Impacts**

Sufficient funds are available for vouchers and for outreach support from the Advanced Technology, Outreach and Education Fund (17) and Carl Moyer Program Fund (32)

**Attachment**

RFP #P2023-06 – Solicit Proposals for Qualified Vendors for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program

RFP #P2023-05 – Solicit Proposals for Outreach Support for the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program



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

**COMMERCIAL ELECTRIC LAWN AND GARDEN EQUIPMENT INCENTIVE AND EXCHANGE  
PROGRAM**

**P2023-06**

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**

The South Coast AQMD is pleased to announce this opportunity for manufacturers of commercial-grade electric lawn and garden equipment, including but not limited to, chainsaws, pole pruners, leaf blowers, lawn mowers (walk-behind, stand-on, ride-on), and trimmers (hedge and string trimmers), to participate in the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program (eL&G Program). The purpose of this Request for Proposals (RFP) is to solicit interested parties, including manufacturers of commercial-grade, electric lawn and garden equipment, to support with the implementation of the eL&G Program by providing list of dealerships (or retailers) able to participate in the eL&G Program, and to solicit bids for competitive pricing information from qualified manufacturers of commercial-grade, electric lawn and garden equipment that are currently available for sale. Pricing information being requested includes any volume discounts that can be applied to South Coast AQMD's eL&G Program. The eL&G Program will provide a financial incentive to local government agencies, schools, nonprofits, commercial gardeners, and private entities with full-time in-house gardening staff within the South Coast Air Basin to turn in their old, polluting lawn and garden equipment and purchase commercial zero-emission, battery-electric lawn and garden equipment. Multiple manufacturers of commercial electric lawn and garden equipment who will provide the best value including price and other project criteria will be identified for participation in South Coast AQMD's eL&G Program. Successful bidders will be knowledgeable and experienced in the manufacture and commercial distribution of reliable commercial grade electric lawn and garden equipment. Bidders should also have an established network of customer service, retail centers willing to participate in support of the eL&G Program, and hazardous waste and recycling centers.

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

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

## Section XI                      Sample Contract

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

**SECTION I:     BACKGROUND/INFORMATION**

The South Coast AQMD is pleased to announce this opportunity for manufacturers of commercial grade, electric lawn and garden equipment to partner with South Coast AQMD with its implementation of the eL&G Program. Since 2017, South Coast AQMD has implemented the eL&G Program utilizing funding provided by U.S. EPA's 2016 Targeted Air Shed Grant Program. Eligible program participants, including local government agencies, schools, nonprofits, commercial gardeners, and private entities with full-time in-house gardening staff, have replaced approximately 7,400 pieces of older gasoline or diesel-powered commercial lawn and garden equipment with zero-emission equipment.

South Coast AQMD anticipates approximately \$8 million in available funding and will continue the eL&G Program in early 2023 to provide financial incentives to local government agencies, schools, nonprofit organizations, commercial gardeners, and private entities with full-time in-house gardening staff within South Coast AQMD's jurisdiction (including Los Angeles, Orange, Riverside, and San Bernardino Counties – for more information please visit: <https://www.aqmd.gov/nav/about/jurisdiction>) to turn in their old, polluting lawn and garden equipment and purchase commercial zero-emission, battery-electric equipment. The South Coast AQMD's eL&G Program will allow program participants the opportunity to select from a choice of makes and models of commercial grade electric lawn and garden equipment, including handheld trimmers, chainsaws, pruners, backpack and handheld blowers, and lawnmowers including ride-on and walk-behind mowers with a cutting width greater than 20 inches.

Selected bidders of this RFP will support the eL&G Program by collaborating with South Coast AQMD and provide incentive funding through a voucher-based process that will be offered through the manufacturers selected retail location. The vouchers will be used by program participants to reduce the unit price of each commercial electric lawn and garden equipment. Up to 85% of the purchase cost of the new electric lawn and garden equipment will be provided via vouchers along with replacement batteries. Participants will be required to turn in operable gasoline or diesel-powered equipment (similar to the newly purchased electric lawn and garden equipment) to participate in the program. The eL&G Program provides incentive funding for commercial-grade, electric lawn and garden equipment only. Residential grade equipment is not allowed under this program.

The South Coast AQMD will select multiple manufacturers of commercial electric lawn and garden equipment to partner with. Based upon list of retailers provided by manufacturers under this RFP, South Coast AQMD will enter into contract with participating retailers to further support the eL&G Program.

**SECTION II:     CONTACT PERSON:**

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

Yuh Jiun Tan  
Program Supervisor  
Technology Advancement Office  
South Coast AQMD

21865 Copley Drive  
 Diamond Bar, CA 91765-4178  
 (909) 396-2463  
 Email: [ytan@aqmd.gov](mailto:ytan@aqmd.gov)

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

<b>Date</b>	<b>Event</b>
December 2, 2022	RFP Released
January 12, 2023	Bidder's Conference*
January 31, 2023	Proposals Due to South Coast AQMD - <b>No Later Than 1:00 pm</b>
February 2023	Proposal Evaluations
March 7, 2023	Anticipated opening of eL&G Program
March thru April 2023	Anticipated Issuance/Execution of Memorandums of Understanding
March 31, 2027	Completion of eL&G Program

\*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 conducted via an online meeting platform, such as ZOOM or WebEx, at 1:00 p.m. on January 12, 2023. Please contact Yuh Jiun Tan at (909) 396-2463 by close of business on Thursday, January 5, 2023, if you plan to attend and for additional information on the remote meeting.

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

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

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

Statement of Work/Memorandum of Understanding

The selected manufacturers will collaborate with South Coast AQMD staff in the implementation and support of the eL&G Program. Selected bidders will provide qualified commercial-grade electric lawn and garden equipment for purchase by eligible participants of the eL&G Program. Also, selected bidders will provide a list of participating retailers within their network capable of implementing the eL&G Program. South Coast AQMD will enter into contract directly with retailers willing to participate and support the eL&G Program. South Coast AQMD may also enter into an agreement (memorandum of understanding) with selected manufacturers as needed, to ensure support and implementation of eL&G Program requirements.

The program incentive funding will be provided via voucher process to be used by program participants to reduce the unit purchasing price of each eligible commercial electric lawn and garden equipment to replace an equivalent operable gasoline or diesel-powered equipment. Under contract with South Coast AQMD, participating retailers will submit voucher requests on behalf of participants including local governmental agencies, school districts, nonprofit organizations and commercial gardeners and landscapers to South Coast AQMD. Upon approval, vouchers will be issued directly to participating retailers, where a point-of-sale discount will be applied towards eligible commercial lawn and garden equipment. Voucher amounts will provide discounts up to 85% as determined by the Carl Moyer Program guidelines. Vouchers from the eL&G Program cannot be combined with other lawn and garden incentive programs administered by entities outside of South Coast AQMD.

The commercial electric lawn and garden equipment offered in the eL&G Program will be made available at the reduced price to eligible program participants through the selected manufacturers. The retailers shall perform additional tasks as requested by the South Coast AQMD to assist in the implementation of the Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program. Such tasks may include, but not necessarily be limited to the following:

1. Collect and submit to South Coast AQMD all records pertaining to the program participant's eligibility.
2. Within 30 days of purchase of the new electric lawn and garden equipment, collect and deliver the old lawn and garden equipment to a licensed dismantler/recycler for permanent destruction after draining the fuel from the equipment in a safe manner and in accordance with all applicable local, state, and federal laws. This includes collecting and submitting to South Coast AQMD documentation from the dismantler verifying the date of collection and destruction of the old equipment.

**SECTION VI: REQUIRED QUALIFICATIONS**

- A. Successful bidders shall be knowledgeable and experienced in the manufacture, and commercial distribution of reliable commercial grade electric lawn and garden equipment.
- B. Bidders must have service locations and retailers located within the South Coast AQMD jurisdiction.
- C. Bidders must have a valid business license for a minimum of two years.
- D. Bidders and/or retailers must establish a network of licensed dismantler/recycler and/or hazardous waste companies available to receive, dismantle and report on older gasoline or diesel-powered commercial grade lawn and garden equipment.
- E. Bidders must provide the specification details for each proposed commercial grade equipment type and model (per unit) using Table A-Equipment Specifications. Please copy Table A and complete for additional equipment as needed. All or a portion of the proposed equipment may be selected for the program.

**Table A – Equipment Specifications**

<i>Please complete the required information below, as applicable, for each make/model of electric lawn and garden equipment that is being proposed. Please copy this table for additional equipment, as needed.</i>	
Equipment Type	
Equipment Model Number	
Cordless/Rechargeable	Yes/No
Clipping Bag Included (if applicable)	Yes/No
Cutting Width (if applicable)	
Ride-on or walk-behind (if applicable)	
Height Adjustability (Range)	
Mulching Capability	Yes/No
If yes, is it included in the price?	Yes/No
Self-propelled (if applicable)?	Yes/No
Noise Rating in dB(A)	
Handheld or backpack	
Air Velocity (mph)	
<b>Battery:</b>	
Charging Time (From zero charge)	
Lift-out Replaceable Battery	Yes/No
Run Time per charge	
Battery – Voltage	
Battery – Amp Hour Capacity	
Estimated time (min) for full charge	
<b>Warranty:</b>	
Warranty Exchange	
Warranty Period for the Equipment	
Warranty Period for the Battery	
Weight (Including Battery)	
Toll-free Service Number	
<b>Cost and Promotional Information:</b>	
Manufacturer’s Suggested Retail Price (MSRP)	
Best Unit Price for the Program* Volume Discount Offered **	
Cost of replacement battery	
<b>One Response per Bidder:</b>	
List of service locations within the South Coast Air Basin. Please include the County (Los Angeles, Orange, Riverside, San Bernardino County) in which it is located at.	

\*Please provide the best pricing per unit for South Coast AQMD’s program.

\*\*Please include any volume discounts that can be offered for the South Coast AQMD program.

NOTE: Other supplemental information may be included that is not listed in this table.

F. Each proposal must also include verification of the commercial availability of the commercial-grade electric lawn and garden equipment (with any brochures or other equipment information that may be available), a commitment to supply at a minimum the quantities identified in Table A for each equipment, and identification of an adequate number of retailers as specified below with capability to support the eL&G Program. Each proposal shall address each of the following criteria:

- Detailed product specifications
- Product Availability
- Supply commitment
- Lead time between order date and product delivery date
- Product warranty information to be provided to the consumer
- Retailers:
  - Must be located within the South Coast Air Basin. It is preferred that there is at least 1 located in each county within the South Coast AQMD jurisdiction
  - Ability to collaborate with South Coast AQMD staff in its voucher process for program participants and provide implementation support (i.e. destruction requirements)
- MSRP and price offered to South Coast AQMD: Each manufacturer must provide their best price for each model they plan to offer.

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

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

Each proposal must be submitted in three separate volumes:

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

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

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

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

### **VOLUME I - TECHNICAL PROPOSAL**

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



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

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

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

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

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

1. List all key personnel assigned to the project by level, name and location. Substitution of project manager or lead personnel will not be permitted without prior written approval of South Coast AQMD.
2. Provide a statement indicating whether or not 90% of the work will be performed within the geographical boundaries of South Coast AQMD.
3. 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 – Equipment cost information must be provided.

1. 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 must be received at South Coast AQMD Headquarters no later than 1:00 p.m., January 31, 2023, 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 **P2023-06**."

**Late bids/proposals will not be accepted under any circumstances. Postmarks will not be accepted as compliant with the deadline. Proposals must be received at the South Coast AQMD Headquarters by the above deadline. Fax or email proposals will not be accepted.**

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

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

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

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

- A. Proposals will be evaluated by a panel of three to five South Coast AQMD staff members familiar with the subject matter of the project. The panel shall be appointed by the Executive Officer or his designee. In addition, the evaluation panel may include such outside public sector or academic community expertise as deemed desirable by the Executive Officer. The panel will make a recommendation to the Executive Officer and/or the Governing Board of South Coast AQMD for final selection of contractor(s) and negotiation of contract(s).

B. Each member of the evaluation panel shall be accorded equal weight in his or her rating of proposals. The evaluation panel members shall evaluate the proposals according to the specified criteria and numerical weightings set forth below.

**1. Proposal Evaluation Criteria**

<u>(a) Project Selection</u>	<u>Points</u>
Product Type and Availability	20
Supply Commitment	15
Service Centers/Retailers (Number and Location)	15
Product Warranty	15
Past Experience	15
Pricing (including Program discounts offered)	<u>20</u>
TOTAL:	100

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

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

**Self-Certification for Additional Points**

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

2. To receive additional points in the evaluation process for the categories of Small Business or Small Business Joint Venture, DVBE or DVBE Joint Venture or Local Business (for non-federally funded projects), the proposer must submit a self-certification at the time of proposal submission certifying that the proposer meets the requirements set forth in Attachments A and B. To receive points for the use of DVBE and/or Small Business subcontractors, at least 25 percent of the total contract value must be subcontracted to DVBEs and/or Small Businesses. To

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

- C. During the selection process the evaluation panel may wish to interview some proposers for clarification purposes only. No new material will be permitted at this time. Additional information provided during the bid review process is limited to clarification by the Proposer of information presented in his/her proposal, upon request by South Coast AQMD.
- D. The Executive Officer or Governing Board may award the contract to a Proposer other than the Proposer receiving the highest rating in the event the Governing Board determines that another Proposer from among those technically qualified would provide the best value to South Coast AQMD considering cost and technical factors. The determination shall be based solely on the Evaluation Criteria contained in the Request for Proposal (RFP), on evidence provided in the proposal and on any other evidence provided during the bid review process.
- E. Selection will be made based on the above-described criteria and rating factors. The selection will be made by and is subject to Executive Officer or Governing Board approval. Proposers may be notified of the results by letter.
- F. The Governing Board has approved a Bid Protest Procedure which provides a process for a Bidder or prospective Bidder to submit a written protest to South Coast AQMD Procurement Manager in recognition of two types of protests: Protest Regarding Solicitation and Protest Regarding Award of a Contract. Copies of the Bid Protest Policy can be secured through a request to South Coast AQMD Procurement Department.
- G. The Executive Officer or Governing Board may award contracts to more than one proposer if in (his or their) sole judgment the purposes of the (contract or award) would best be served by selecting multiple proposers.
- H. If additional funds become available, the Executive Officer or Governing Board may increase the amount awarded. The Executive Officer or Governing Board may also select additional proposers for a grant or contract if additional funds become available.

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

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

South Coast AQMD anticipates approximately \$8 million in available funding for the eL&G Program. The total funding to be allocated will depend upon the availability of funds and the amount of discount per unit offered by the manufacturers. Multiple manufacturers may be selected from this RFP.

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

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

## ATTACHMENT A

### PARTICIPATION IN THE PROCUREMENT PROCESS

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

B. Definitions:

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

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

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

8. "Off-Peak Hours Delivery Business" as used in this policy means a company or contractor that commits to conducting deliveries to South Coast AQMD during off-peak traffic hours defined as between 10:00 a.m. and 3:00 p.m.
  9. "Benefits Incentive Business" as used in this policy means a company or contractor that provides janitorial, security guard or landscaping services to South Coast AQMD and commits to providing employee health benefits (as defined below in Section VIII.D.2.d) for full time workers with affordable deductible and co-payment terms.
  10. "Minority Business Enterprise" as used in this policy means a business that is at least 51 percent owned by one or more minority person(s), or in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more or minority persons.
    - a. a business whose management and daily business operations are controlled by one or more minority persons.
    - b. a business which is a sole proprietorship, corporation, or partnership with its primary headquarters office located in the United States, which is not a branch or subsidiary of a foreign corporation, foreign firm, or other foreign-based business.
    - c. "Minority person" for purposes of this policy, means a Black American, Hispanic American, Native-American (including American Indian, Eskimo, Aleut, and Native Hawaiian), Asian-Indian (including a person whose origins are from India, Pakistan, and Bangladesh), Asian-Pacific-American (including a person whose origins are from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, and Taiwan).
  11. "Most Favored Customer" as used in this policy means that the South Coast AQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.
  12. "Disadvantaged Business Enterprise" as used in this policy means a business that is an entity owned and/or controlled by a socially and economically disadvantaged individual(s) as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note) (10% statute), and Public Law 102-389 (42 U.S.C. 4370d)(8% statute), respectively;
    - a Small Business Enterprise (SBE);
    - a Small Business in a Rural Area (SBRA);
    - a Labor Surplus Area Firm (LSAF); or
    - a Historically Underutilized Business (HUB) Zone Small Business Concern, or a concern under a successor program.
- C. Under Request for Quotations (RFQ), DVBEs, DVBE business joint ventures, small businesses, and small business joint ventures shall be granted a preference in an amount equal to 5% of the lowest cost responsive bid. Zero or Near-Zero Emission Vehicle Businesses shall be granted a preference in an amount equal to 5 percent of the lowest



cost responsive bid. Off-Peak Hours Delivery Businesses shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid. Local businesses (if the procurement is not funded in whole or in part by federal grant funds) shall be granted a preference in an amount equal to 2% of the lowest cost responsive bid. Businesses offering Most Favored Customer status shall be granted a preference in an amount equal to 2 percent of the lowest cost responsive bid.

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

4. Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
  5. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
  6. If the prime contractor awards subcontracts, require the prime contractor to take the above steps.
- H. To the extent that any conflict exists between this policy and any requirements imposed by federal and state law relating to participation in a contract by a certified MBE/WBE/DVBE as a condition of receipt of federal or state funds, the federal or state requirements shall prevail.
- I. When contracts are not funded in whole or in part by federal grant funds, a local business preference will be awarded. For such contracts that involve the purchase of commercial off-the-shelf products, local business preference will be given to manufacturers 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.

## ATTACHMENT B



# South Coast Air Quality Management District

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

### **Business Information Request**

Dear 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:nd

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

REV 6/22



# South Coast Air Quality Management District

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

## BUSINESS INFORMATION REQUEST

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

## REMITTING ADDRESS INFORMATION

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

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

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

**BUSINESS STATUS CERTIFICATIONS**

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

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

Statements of certification:

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

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

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

Check all that apply:

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

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

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

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

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

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

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

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

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

## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Request for Taxpayer Identification Number and Certification

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

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

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

### Part I Taxpayer Identification Number (TIN)

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

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

<b>Social security number</b>										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					-	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				
<b>or</b>										
<b>Employer identification number</b>										
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>					-	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> <td style="width: 25%;"></td> </tr> </table>				

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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

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

## General Instructions

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

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

### Purpose of Form

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

- Form 1099-INT (interest earned or paid)

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

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

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



By signing the filled-out form, you:

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

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

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

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

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

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

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

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

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

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

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

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

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

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

**Payments you receive will be subject to backup withholding if:**

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

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

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

## Updating Your Information

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

## Penalties

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

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

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

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

## Specific Instructions

### Line 1

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

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

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

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

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

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

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

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

### Line 2

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

### Line 3

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

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

### Line 4, Exemptions

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

#### Exempt payee code.

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

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

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947



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

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

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

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

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

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

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

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

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

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

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

G—A real estate investment trust

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

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

J—A bank as defined in section 581

K—A broker

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

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

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

### Line 5

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

### Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

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

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

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

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

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

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

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

## Part II. Certification

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

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

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

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

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

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

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

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

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

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

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

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

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

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

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

**Secure Your Tax Records From Identity Theft**

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

To reduce your risk:

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

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

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

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

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

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

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

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

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

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

## Privacy Act Notice

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



**2021 Withholding Exemption Certificate****590**

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

**Withholding Agent Information**

Name

**Payee Information**

Name

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

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

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

State ZIP code

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

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

 **Individuals — Certification of Residency:**

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

 **Corporations:**

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

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

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

 **Tax-Exempt Entities:**

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

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

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

 **California Trusts:**

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

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

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

 **Nonmilitary Spouse of a Military Servicemember:**

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

**CERTIFICATE OF PAYEE:** Payee must complete and sign below.

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

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

Type or print payee's name and title

Telephone

Payee's signature ▶

Date

# 2021 Instructions for Form 590

## Withholding Exemption Certificate

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

### General Information

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

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

### A Purpose

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

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

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

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

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

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

### B Income Subject to Withholding

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

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

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

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

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

### C Who Certifies this Form

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

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

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

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

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

### D Definitions

For California nonwage withholding purposes:

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

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

#### Permanent Place of Business:

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

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

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

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

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

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



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

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

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

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

## Specific Instructions

### Payee Instructions

Enter the withholding agent's name.

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

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

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

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

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

### Withholding Agent Instructions

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

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

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

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

## Additional Information

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

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

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

**Fax:** 916.845.9512

**Mail:** WITHHOLDING SERVICES AND COMPLIANCE MS 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](http://ftb.ca.gov)

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

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

### Asistencia Por Internet y Teléfono

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

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

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



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

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

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

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

---

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

### **SECTION I.**

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

<input type="checkbox"/>	DBA, Name _____, County Filed in _____
<input type="checkbox"/>	Corporation, ID No. _____
<input type="checkbox"/>	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

\_\_\_\_\_

<sup>1</sup> 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.

South Coast Air Quality Management Governing Board or member/alternate of the MSRC in the 12 months preceding the date of execution of this disclosure?

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

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

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

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

**DEFINITIONS**

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

(1) Parent subsidiary. A parent subsidiary relationship exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

(2) Otherwise related business entity. Business entities, including corporations, partnerships, joint ventures and any other organizations and enterprises operated for profit, which do not have a parent subsidiary relationship are otherwise related if any one of the following three tests is met:

- (A) One business entity has a controlling ownership interest in the other business entity.
- (B) There is shared management and control between the entities. In determining whether there is shared management and control, consideration should be given to the following factors:
  - (i) The same person or substantially the same person owns and manages the two entities;
  - (ii) There are common or commingled funds or assets;
  - (iii) The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;
  - (iv) There is otherwise a regular and close working relationship between the entities; or
- (C) A controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.



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

**OUTREACH FOR SOUTH COAST AQMD'S  
2023 COMMERCIAL ELECTRIC LAWN AND GARDEN EQUIPMENT INCENTIVE AND  
EXCHANGE PROGRAM**

**P2023-05**

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**

The South Coast AQMD will open its new Commercial Electric Lawn and Garden Equipment Incentive and Exchange Program (eL&G Program) in early 2023 for eligible program participants within the South Coast Air Basin. South Coast AQMD is seeking marketing/outreach support and is pleased to announce this opportunity for qualified organizations to submit proposals under this RFP to plan and execute a marketing/outreach campaign for the 2023 eL&G Program.

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

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

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

**SECTION I: BACKGROUND/INFORMATION**

The South Coast AQMD has been implementing the eL&G Program since April 2017 in part, through an U.S. EPA grant, to provide a financial incentive to local government agencies, schools, nonprofit organizations, commercial gardeners, and private entities with full-time in-house gardening staff within the South Coast Air Basin to turn in their old, polluting commercial-grade lawn and garden equipment and purchase new zero-emission, battery-electric lawn and garden equipment.

Since inception in 2017, South Coast AQMD has exchanged approximately 7,400 pieces of commercial-grade, electric lawn and garden equipment, including but not limited to, chainsaws, leaf blowers, lawn mowers (walk-behind, stand-on, ride-on) and trimmers. This program has not only provided emission reductions within the South Coast Air Basin but minimized worker exposure to harmful gasoline fumes and by-products.

As most of the outreach for the eL&G Program has been coordinated between South Coast AQMD staff and eL&G vendors, South Coast AQMD has also previously partnered with an independent outreach organization to expand the messaging and benefits of the eL&G Program to city and county entities, school districts, social media and public workshops.

The South Coast AQMD will open its new eL&G Program in early 2023 and is seeking marketing/outreach support from organizations with knowledge and experience with the manufacture and commercial distribution commercial-grade electric lawn and garden equipment. Proposer(s) should also have an established network and partnerships with manufacturers, vendors, dealerships and distribution centers related to commercial lawn and garden equipment including but not limited to, chainsaws, leaf blowers, lawn mowers (walk-behind, stand-on, ride-on) and trimmers.

South Coast AQMD will select, award and contract with the most qualified proposer and anticipates awarding a fixed-price contract not to exceed \$40,000 for a contract term not to exceed four years from date of execution. The Contractor will pay for all expenses and will be reimbursed by South Coast AQMD according to the payment schedule and upon presentation of receipts.

**SECTION II: CONTACT PERSON:**

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

Yuh Jiun Tan  
Program Supervisor  
Technology Advancement Office  
South Coast AQMD  
21865 Copley Drive  
Diamond Bar, CA 91765-4178  
(909) 396-2463  
Email: [ytan@aqmd.gov](mailto:ytan@aqmd.gov)

**SECTION III: SCHEDULE OF EVENTS**

Date	Event
December 2, 2022	RFP Released
January 31, 2023	Proposals Due to South Coast AQMD - <b>No Later Than 1:00 pm</b>
February 2023	Proposal Evaluations

March 7, 2023	Anticipated opening of eL&G Program
March thru April 2023	Anticipated Contract Execution
March 31, 2027	Completion of Program

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

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

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

##### Statement of Work

Working in cooperation with South Coast AQMD's Technology Advancement Office, the Contractor will:

1. Attend Kickoff meeting(s) with South Coast AQMD following contract signing.
2. Develop a comprehensive integrated marketing/outreach campaign plan for South Coast AQMD's 2023 eL&G Program for the South Coast Air Basin. The plan will contain the following elements:
  - a. Media content and approach
  - b. Workshops and demonstration of eL&G equipment
  - b. Paid advertising
  - c. Partnerships with other organizations (including city and county entities, school districts, lawn and garden vendors and OEMs)
  - d. Spanish-language component
  - e. Any other recommended approaches
3. Once reviewed and approved by South Coast AQMD, the Contractor will implement all aspects of the marketing/outreach campaign plan, including but not limited to:
  - a. Planning and executing media, workshop events and advertising
  - b. Developing and executing partnerships with cities or other organizations
4. Produce a final report on the marketing/outreach campaign

#### **SECTION VI: REQUIRED QUALIFICATIONS**

Proposers under this solicitation should have demonstrated experience in:

- Executing marketing campaigns for government agencies or non-profits seeking to increase awareness of their programs;

- Quantifying public feedback resulting from marketing campaigns;
- Developing and implementing advertising and other outreach campaigns specifically for OEMS, manufacturers, vendors and dealerships relating to government incentive programs;
- Development and implementing advertisements in TV, print, radio, internet and social media;
- Negotiating the best ad rates and “added value” elements such as additional ad spots, etc.; and
- Monitoring advertising campaigns, including optimizing ad timing/placement if warranted, ensuring that target audiences are exposed to campaign/outreach materials.

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

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

Each proposal must be submitted in three separate volumes:

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

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

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

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

### **VOLUME I - TECHNICAL PROPOSAL**

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

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

Campaign/Outreach Design (Section B) - This is the body of the technical proposal. The Proposer should describe in detail their proposed campaign to outreach to stakeholders on the eL&G Program including all tasks listed in the Statement of Work.

Program Schedule (Section C) - Provide projected milestones or benchmarks for completing the project (to include reports) within the project timeline between March 2023 and March 2027 as specified in Section III: Schedule of Events.

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

Assigned Personnel (Section F) - 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 detailed budget showing the labor hours proposed for each labor category at the task level and showing how much will be spent towards
3. Provide a statement indicating whether or not 90% of the work will be performed within the geographical boundaries of South Coast AQMD.
4. Provide a statement of education and training programs provided to, or required of, the staff identified for participation in the project, particularly with reference to management consulting, governmental practices and procedures, and technical matters.
5. Provide a summary of your Firm's general qualifications to meet required qualifications and fulfill statement of work, including additional Firm personnel and resources beyond those who may be assigned to the project.

Subcontractors (Section G) - 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 H) - 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 I) - 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 must be received at South Coast AQMD Headquarters no later than 1:00 p.m., January 31, 2023, 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 P2023-05."

**Late bids/proposals will not be accepted under any circumstances. Postmarks will not be accepted as compliant with the deadline. Proposals must be received at the South Coast AQMD Headquarters by the above deadline. Fax or email proposals will not be accepted.**

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

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

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

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

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

**1. Proposal Evaluation Criteria**

<u>(a) Project Selection</u>	<u>Points</u>
Campaign/Outreach Design	50
Proposer Qualifications	25
Value-Added Elements (e.g., discount on standard rates, partnerships with vendors, media, etc.)	15
Pricing/Cost	<u>10</u>
TOTAL:	100
<u>(c) Additional Points</u>	
Small Business or Small Business Joint Venture	10
DVBE or DVBE Joint Venture	10
Use of DVBE or Small Business Subcontractors	7
Zero or Near-Zero Emission Vehicle Business	5

Local Business (Non-Federally Funded Projects Only)	5
Off-Peak Hours Delivery Business	2
Most Favored Customer	2

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

#### **Self-Certification for Additional Points**

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

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

cost proposal is \$1,100 it would receive 9 points reflecting the fact that it is 10% higher than the lowest cost (90% of 10 points = 9 points).

- C. During the selection process the evaluation panel may wish to interview some proposers for clarification purposes only. No new material will be permitted at this time. Additional information provided during the bid review process is limited to clarification by the Proposer of information presented in his/her proposal, upon request by South Coast AQMD.
- D. The Executive Officer or Governing Board may award the contract to a Proposer other than the Proposer receiving the highest rating in the event the Governing Board determines that another Proposer from among those technically qualified would provide the best value to South Coast AQMD considering cost and technical factors. The determination shall be based solely on the Evaluation Criteria contained in the Request for Proposal (RFP), on evidence provided in the proposal and on any other evidence provided during the bid review process.
- E. Selection will be made based on the above-described criteria and rating factors. The selection will be made by and is subject to Executive Officer or Governing Board approval. Proposers may be notified of the results by letter.
- F. The Governing Board has approved a Bid Protest Procedure which provides a process for a Bidder or prospective Bidder to submit a written protest to South Coast AQMD Procurement Manager in recognition of two types of protests: Protest Regarding Solicitation and Protest Regarding Award of a Contract. Copies of the Bid Protest Policy can be secured through a request to South Coast AQMD Procurement Department.
- G. The Executive Officer or Governing Board may award contracts to more than one proposer if in (his or their) sole judgment the purposes of the (contract or award) would best be served by selecting multiple proposers.
- H. If additional funds become available, the Executive Officer or Governing Board may increase the amount awarded. The Executive Officer or Governing Board may also select additional proposers for a grant or contract if additional funds become available.
- I. Disposition of Proposals – Pursuant to South Coast AQMD’s Procurement Policy and Procedure, South Coast AQMD reserves the right to reject any or all proposals. All proposals become the property of South Coast AQMD, and are subject to the California Public Records Act. One copy of the proposal shall be retained for South Coast AQMD files. Additional copies and materials will be returned only if requested and at the proposer's expense.
- J. **If proposal submittal is for a Public Works project as defined by State of California Labor Code Section 1720, Proposer is required to include Contractor Registration No. in Attachment B. Proposal submittal will be deemed as non-responsive and Bidder may be disqualified if Contractor Registration No. is not included in Attachment B. Proposer is alerted to changes to California Prevailing Wage compliance requirements as defined in Senate Bill 854 (Stat. 2014, Chapter 28), and California Labor Code Sections 1770, 1771, 1725, 1777, 1813 and 1815.**

## **SECTION X: FUNDING**

The total funding to be allocated for the work by this RFP will be a maximum of \$40,000 with an option to renew the contract for additional years, as needed.

**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.

## ATTACHMENT B



# South Coast Air Quality Management District

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

### **Business Information Request**

Dear 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:nd

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

REV 6/22



# South Coast Air Quality Management District

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

## BUSINESS INFORMATION REQUEST

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

## REMITTING ADDRESS INFORMATION

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

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

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

**BUSINESS STATUS CERTIFICATIONS**

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

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

Statements of certification:

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

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

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

Check all that apply:

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

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

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

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

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

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

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

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

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

## Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Request for Taxpayer Identification Number and Certification

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

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

Print or type.  
See Specific Instructions on page 3.

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

### Part I Taxpayer Identification Number (TIN)

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

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

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

### Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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

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

### General Instructions

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

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

### Purpose of Form

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

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
  - Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
  - Form 1099-S (proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
  - Form 1099-C (canceled debt)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.*



By signing the filled-out form, you:

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

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

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

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

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

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

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

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*).

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

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

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

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

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

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

**Payments you receive will be subject to backup withholding if:**

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

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

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

## Updating Your Information

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

## Penalties

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

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

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

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

## Specific Instructions

### Line 1

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

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

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

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

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

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

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

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

### Line 2

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

### Line 3

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

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

### Line 4, Exemptions

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

#### Exempt payee code.

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

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

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947



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

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

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

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

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

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

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

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

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

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

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

G—A real estate investment trust

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

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

J—A bank as defined in section 581

K—A broker

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

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

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

### Line 5

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

### Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

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

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

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

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

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

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

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

## Part II. Certification

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

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

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

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

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

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

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

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

**What Name and Number To Give the Requester**

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

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

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

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

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

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

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

**Secure Your Tax Records From Identity Theft**

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

To reduce your risk:

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

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

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

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

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

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

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

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

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

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

## Privacy Act Notice

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



**2021 Withholding Exemption Certificate****590**

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

**Withholding Agent Information**

Name

**Payee Information**

Name

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

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

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

State ZIP code

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

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

 **Individuals — Certification of Residency:**

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

 **Corporations:**

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

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

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

 **Tax-Exempt Entities:**

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

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

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

 **California Trusts:**

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

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

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

 **Nonmilitary Spouse of a Military Servicemember:**

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

**CERTIFICATE OF PAYEE:** Payee must complete and sign below.

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

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

Type or print payee's name and title

Telephone

Payee's signature ▶

Date

# 2021 Instructions for Form 590

## Withholding Exemption Certificate

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

### General Information

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

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

### A Purpose

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

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

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

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

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

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

### B Income Subject to Withholding

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

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

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

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

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

### C Who Certifies this Form

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

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

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

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

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

### D Definitions

For California nonwage withholding purposes:

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

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

#### Permanent Place of Business:

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

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

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

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

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

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



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

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

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

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

## Specific Instructions

### Payee Instructions

Enter the withholding agent's name.

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

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

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

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

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

### Withholding Agent Instructions

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

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

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

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

## Additional Information

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

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

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

**Fax:** 916.845.9512

**Mail:** WITHHOLDING SERVICES AND COMPLIANCE MS 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](http://ftb.ca.gov)

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

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

### Asistencia Por Internet y Teléfono

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

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

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



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

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

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

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

---

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

### **SECTION I.**

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

<input type="checkbox"/>	DBA, Name _____, County Filed in _____
<input type="checkbox"/>	Corporation, ID No. _____
<input type="checkbox"/>	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

\_\_\_\_\_

<sup>1</sup> 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.

South Coast Air Quality Management Governing Board or member/alternate of the MSRC in the 12 months preceding the date of execution of this disclosure?

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

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

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

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

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

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

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

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

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

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

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

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

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

**DEFINITIONS**

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

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

## Agenda Item #2

---

Issue RFPs, Execute Contracts and  
Approve Vouchers for Commercial Electric  
Lawn and Garden Equipment Incentive  
and Exchange Program

Walter Shen

# Background

- The Commercial Electric Lawn and Garden (eL&G) replaces gas- or diesel equipment with zero-emissions, battery-electric technology
- Equipment Types:
  - Hand-held trimmers, chainsaws, pruners, leaf-blowers and lawn mowers
- Eligible Participants:
  - Local governments, school districts, nonprofit organizations and commercial gardeners and landscapers
- 7,400 gas and diesel L&G units replaced under last exchange



# Background (Cont'd)

Date	Funding Source	Funding Amount
December 2021	U.S EPA Targeted Air Shed Grant	\$2,000,000
	South Coast AQMD Match Share	\$1,000,000
June 2022	CARB – Carl Moyer State Reserve	\$4,687,500
	<b>Total</b>	<b>\$7,687,500</b>

- Voucher Process:



\*Pending CARB approval of Carl Moyer Guidelines

# Proposal

- Issue RFP #P2023-06 – manufacturers to provide pricing for ZE L&G equipment and supporting retailers
- Issue RFP #P2023-05 – for outreach
- Authorize EO to execute contracts:
  - \$70,000 for outreach using \$50,000 from Carl Moyer Program Fund (32) and \$20,000 from Fund (17)



# Recommended Actions

---

- Issue RFPs P2023-05 and P2023-06
- Authorize the EO to execute contracts with qualified retailers and outreach firm under RFPs
- Authorize the EO to approve vouchers issued to qualified retailers



BOARD MEETING DATE: December 2, 2022

AGENDA NO.

**PROPOSAL:** Adopt Resolution Recognizing Funds for FY 2022-23 Carl Moyer Program and Issue Program Announcements for Carl Moyer and SOON Programs

**SYNOPSIS:** The Carl Moyer and SOON Programs provide incentive funding to owners of diesel engines and equipment to retrofit, repower, or replace their engines with newer and cleaner models that exceed regulatory requirements. These actions are to: 1) Adopt a Resolution recognizing up to \$47 million in Carl Moyer Program grant funds from CARB with its terms and conditions for FY 2022-23; and 2) Issue Program Announcements for “Year 25” of the Carl Moyer Program and the SOON Program to solicit applications for eligible zero and low-emitting on- and off-road vehicles and equipment, including marine vessels and locomotives, and supporting infrastructure.

**COMMITTEE:** Technology, November 18, 2022; Recommended for Approval

**RECOMMENDED ACTIONS:**

1. Adopt the attached Resolution recognizing upon receipt up to \$47 million in FY 2022-23 Carl Moyer Program funds from CARB into the Carl Moyer Program SB 1107 Fund (32);
2. Issue Program Announcement #PA2023-04 to solicit projects for the FY 2022-23 “Year 25” Carl Moyer Memorial Air Quality Standards Attainment Program; and
3. Issue Program Announcement #PA2023-05 to solicit projects for the SOON Program

Wayne Nastri  
Executive Officer

AK:WS:AY

---

**Background**

The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) and the Surplus Off-Road Opt-in for NO<sub>x</sub> (SOON) Program provide incentive funding for the incremental costs of purchasing cleaner-than-required engines and

equipment. The Carl Moyer Program also allows funding for infrastructure projects that enable the deployment of advanced, cleaner technologies, which are needed to support the States' and South Coast AQMD's air quality goals. This is the 25th year for the Carl Moyer Program and the 18th year of the SOON Program.

### **Proposal**

CARB has tentatively allocated \$47 million to South Coast AQMD for the Carl Moyer Program. Of this amount, \$44 million is designated for project funding and \$3 million for administrative and outreach efforts. In addition, \$7.1 million is required by the Carl Moyer program from South Coast AQMD as the local match, these funds will be provided from AB 923 funds. Of this amount, \$6 million is designated for project funding and \$1.1 million for in-kind match contributions which may include program administration and outreach efforts. Staff is recommending adoption of the attached Resolution recognizing upon receipt up to \$47 million from CARB into the Carl Moyer Program SB 1107 Fund (32) for implementation of the FY 2022-23 "Year 25" Carl Moyer Program

Staff is recommending to also issue two Program Announcements (PA) #PA2023-04 and #PA2023-05 for the Carl Moyer Program and the SOON Program, respectively. Approximately \$44 million will be allocated to the Carl Moyer Program and \$5 million will be allocated to the SOON Program. Staff anticipates receiving additional funds for this year's Carl Moyer Program, which may include funds in support of CAPP incentive projects, State Reserve and/or the FARMER Program. Staff will provide a detailed account of available and awarded funds for this year's Carl Moyer Program at the time of the award recommendations.

The Carl Moyer PA will solicit applications from equipment owners for the retrofit, repower or replacement of older, in-use on-road vehicles, off-road equipment (including agricultural equipment), locomotives, marine vessels and other heavy-duty vehicles and equipment with cleaner technologies. The Carl Moyer PA will also solicit applications for supporting infrastructure projects.

The SOON Program is designed to achieve additional NOx emission reductions above those that would be obtained from CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation. The SOON Program PA will solicit projects that involve the retrofit, repower or replacement of off-road vehicles with cleaner technologies. As in previous years, South Coast AQMD will only fund diesel-to-diesel applications when alternative fuel engines/vehicles are not commercially available or certified by CARB, except for emergency vehicles.

The Carl Moyer Program Guidelines approved by CARB on April 27, 2017, and any subsequent updates or changes, will be utilized for the evaluation of projects submitted under the "Year 25" Carl Moyer and the SOON Program PAs. Applicants will be able to

submit their applications for both the Carl Moyer Program and the SOON Program online. Proposals for all categories will be due by 11:59 pm on Tuesday, May 9, 2023. The Carl Moyer Program and the SOON Program PAs are attached.

### **Funding Distribution**

The Carl Moyer Program Guidelines include the requirement that at least 50 percent of the program funds be expended on projects that will reduce emissions in disproportionately impacted areas, which is tracked on a cumulative basis for all air districts. At least half of the funding allocated under SB 1107 and collected under AB 923 will be awarded to projects in disproportionately impacted areas. The Carl Moyer Guidelines also require that at least 50 percent of all funding available for the Carl Moyer Program and the SOON Program, including roll-over funds from previous years and any returned funds from projects that fall through, be allocated to projects that will reduce emissions in disproportionately impacted areas.

### **Outreach**

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

Additionally, potential applicants may be notified utilizing South Coast AQMD's own electronic listing of certified minority vendors. Notice of the PAs will be emailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations and placed on the Internet at South Coast AQMD's website (<http://www.aqmd.gov>) where it can be viewed by making menu selection "Grants & Bids." In light of COVID-19, South Coast AQMD will post pre-recorded presentations and host meetings to provide program information and application assistance for applicants interested in participating in the Carl Moyer Program. Also, to the extent possible, staff will conduct additional in-person outreach to potential applicants through community outreach and engagement.

### **Program Guidelines**

At its July 8, 2005 meeting, the Board approved long-term Program Guidelines for the implementation of the Carl Moyer Program in the South Coast Air Basin. The proposed funding distribution for different equipment categories in this Board letter is made according to the criteria outlined in that guideline with emphasis on the following priorities in order to achieve the highest emissions reductions:

- Goods Movement (40 percent allocation);
- Environmental Justice (50 percent allocation);
- Cost-Effectiveness;
- Low Emission Engine/Vehicle Preference;

- Early Commercialization of Advanced Technologies/Fuels;
- Fleet Rules; and
- School Buses.

### **Benefits to South Coast AQMD**

The Draft 2022 AQMP calls for adopting zero-emission and low-NOx technologies and incentive funding to reduce mobile source emissions to meet 2037 ozone standards. South Coast AQMD supports numerous activities to advance new technologies to meet air quality goals for the region. Successful implementation of the Carl Moyer Program and the SOON Program are direct results of these technology advancement activities. Also, the vehicles and equipment funded under these PAs will operate for many years, providing long-term NOx and PM emissions reductions.

### **Resource Impacts**

CARB has tentatively allocated \$47 million to the South Coast AQMD for implementation of the FY 2022-23 “Year 25” Carl Moyer Program. Of this amount, \$44 million is designated for project funding and \$3 million for administrative and outreach efforts. These funds will be recognized into the Carl Moyer Program SB 1107 Fund (32). In addition, \$7.1 million, which will be provided from AB 923 funds, is required as the local match from the South Coast AQMD. Of this amount, \$6 million is designated for project funding and \$1.1 million for administrative and outreach efforts.

### **Attachments**

1. Resolution
2. Carl Moyer Program Announcement #PA2023-04
3. SOON Program Announcement #PA2023-05

**RESOLUTION NO. 20-**

**A Resolution of the South Coast Air Quality Management District Board  
Recognizing Funds and Accepting the Terms and Conditions of the  
FY 2022-23 Carl Moyer Grant Award**

WHEREAS, under Health & Safety Code §40400 et seq., the South Coast Air Quality Management District (South Coast AQMD) is the local agency with the primary responsibility for the development, implementation, monitoring and enforcement of air pollution control strategies, clean fuels programs and motor vehicle use reduction measures; and

WHEREAS, the South Coast AQMD is authorized by Health & Safety Code §§40402, 40440, and 40448.5 as well as the Carl Moyer Memorial Air Quality Standards Attainment Program (§44275, et seq.) to implement programs to reduce transportation emissions, including programs to encourage the use of alternative fuels and zero and low-emission vehicles; to develop and implement other strategies and measures to reduce air contaminants and achieve the state and federal air quality standards; and

WHEREAS, the Governing Board has adopted several programs to reduce emissions from on-road and off-road vehicles, as well as emissions from other equipment, including the Lower Emission School Bus Program and the Carl Moyer Program; and

WHEREAS, the South Coast AQMD is designated as an extreme non-attainment area for ozone and as such is required to utilize all feasible means to meet national ambient air quality standards.

THEREFORE, BE IT RESOLVED that the Governing Board, in regular session assembled on December 2, 2022, does hereby authorize the Executive Officer to accept the terms and conditions of the FY 2022-23 (Year 25) Carl Moyer Program grant award and recognizes up to \$47 million from CARB to administer and implement the Year 25 Carl Moyer Program.

BE IT FURTHER RESOLVED that the Executive Officer is authorized and directed to take all steps necessary to carry out this Resolution.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Faye Thomas, Clerk of the Board



**2023  
CARL MOYER MEMORIAL  
AIR QUALITY STANDARDS ATTAINMENT PROGRAM  
PROGRAM ANNOUNCEMENT  
“Year 25”**

**SOUTH COAST AQMD PROGRAM ANNOUNCEMENT  
PA2023-04**

The South Coast Air Quality Management District (South Coast AQMD) is pleased to announce the availability of funds for the Carl Moyer Memorial Air Quality Standards Attainment Program (hereafter “CMP”). The CMP has played a significant role in incentivizing equipment owners to purchase cleaner-than-required engines, vehicles and equipment. This year marks South Coast AQMD’s 25<sup>th</sup> year of CMP implementation.

The CMP is intended to obtain “surplus” emission reductions of Nitrogen Oxides (NOx), Particulate Matter (PM10) and Reactive Organic Gases (ROG) from heavy-duty vehicles and other equipment operating in California as early and as cost-effectively as possible. The CMP provides financial incentives to equipment owners to repower, retrofit or replace in-use heavy-duty vehicles and equipment with cleaner-than-required engine and equipment technologies that will achieve emission reductions that are real, surplus, quantifiable and enforceable.

### **SECTION I – PURPOSE**

The purpose of this Program Announcement (PA) is to solicit project applications for the 2023 Carl Moyer Memorial Air Quality Standards Attainment Program (CMP). **The budget for this PA will be approximately \$52 million from the CMP Funds and AB 923 Match Funds. The South Coast AQMD expects to receive additional funds for this year’s CMP, which may include funds in support of AB 617-Community Air Protection Program and the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program.**

All applications will be evaluated based on the criteria set forth in this PA, the CMP Guidelines, and any subsequent updates and modifications/advisories to the Guidelines. This PA was prepared based on the latest version of the CMP Guidelines approved by the California Air Resources Board (CARB) on April 27, 2017, and all associated updates, which are available at: <https://ww2.arb.ca.gov/guidelines-carl-moyer>.

This PA generally identifies the equipment categories, project options and eligibility criteria to qualify for grant funding under this year’s CMP. Any tax obligation associated with an award is the responsibility of the grantee.

In the preparation of this PA, the words “Applicant” and “Contractor” are used interchangeably. South Coast AQMD staff will evaluate all qualified applications and make recommendations to the Governing Board for final selection of project(s) to be funded. All eligible projects will be ranked based on the cost-effectiveness of NOx, PM10 and ROG emissions reduced. Please note that depending upon the number of applications received in response to this PA, South Coast

AQMD may prioritize the selection of projects to reduce emissions in and around Disadvantaged Communities (DAC) and low-income communities located within the South Coast Air Basin (SCAB). While South Coast AQMD encourages all eligible applications, this means that some projects may not be selected based on their domicile address, regardless of their cost-effectiveness.

At least 50 percent of South Coast AQMD's CMP funds will be targeted for projects that meet the criteria of a disadvantaged or low-income community projects. Other non-CMP funding sources may have DAC and/or low-income status requirements that may limit South Coast AQMD's ability to award such funding to projects that do not meet applicable geographic or income requirements. The Office of Environmental Health Hazard Assessment (OEHHA) in the California Environmental Protection Agency (CalEPA) has developed the California Communities Environmental Health Screening Tool: CalEnviroScreen Version 4.0 (CalEnviroScreen 4.0). The CalEnviroScreen 4.0 tool will be used by South Coast AQMD to identify projects that qualify as a DAC, which is defined as scoring in the top 25th percentile and will strive to maximize the benefits to these communities. All applications will be assessed with the CalEnviroScreen tool to identify and verify if the project will benefit a DAC within the 25<sup>th</sup> percentile. This tool is available at: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

South Coast AQMD's CMP is administered locally through its Technology Advancement Office. The South Coast AQMD reserves the right to allocate its CMP funds among the program categories or to specific projects in accordance with South Coast AQMD priorities. Applicants may only be offered partial funding due to cost-effectiveness or funding category limitations (i.e., caps), and not all applications that meet the cost-effectiveness criteria may be funded.

## **SECTION II – LEGAL UPDATES AND AND DEFINITIONS**

### **CONFLICT OF INTEREST**

Applicant must address any potential conflicts of interest with other clients affected by actions performed by the firm on behalf of the South Coast AQMD. Although the applicant will not be automatically disqualified by reason of work performed for such firms, the South Coast AQMD reserves the right to consider the nature and extent of such work in evaluating the application. Conflicts of interest will be screened on a case-by-case basis by the South Coast AQMD General Counsel's Office. Conflict of interest provisions of the state law, including the Political Reform Act, may apply to work performed pursuant to this contract. An example of a conflict of interest may occur when a consultant applying on behalf of an applicant for funding under the Carl Moyer Program is also contracted with South Coast AQMD.

### **COMPLIANCE WITH APPLICABLE LAWS**

Applicants must comply with all federal, state, and local laws, ordinances, codes and regulations. If the application is eligible for funding, all vehicles and/or equipment to be purchased, or installed must be compliant with all applicable federal, state, and local air quality rules and regulations, and will maintain compliance for the full Contract term.

## **COMPLIANCE WITH LABOR LAWS**

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

## **STATEMENT OF COMPLIANCE**

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

## **ECONOMIC SANCTIONS (RUSSIA/UKRAINE)**

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (EO) regarding sanctions in response to Russian aggression in Ukraine. Applicants who are considered eligible for Carl Moyer Program funds under this Program Announcement and received executed contracts from South Coast AQMD, are obligated to comply with existing economic sanctions imposed by the U.S. government in response to Russia's actions in Ukraine.

## **DEFINITIONS**

### Alternative Fuel

Alternative fuels include compressed natural gas (CNG), liquefied natural gas (LNG), hydrogen (H<sub>2</sub>), propane (LPG) and electric technologies. Experimental technologies and fuels will be referred to CARB for evaluation and possible eligibility in the Program.

### Equipment Replacement

Equipment replacement means the replacement of an older vehicle or piece of equipment that still has remaining useful life with a newer, cleaner vehicle or piece of equipment. For Equipment Replacement project types, applicant must have owned and operated the old (i.e., existing) equipment in California for the previous two years from date of application. For locomotive projects, the applicant must have owned and operated the old equipment in California for minimum of one year.



Engine Repower

Engine repower means the replacement of an in-use engine with another, cleaner engine (more than 15 percent cleaner) within an existing vehicle or equipment.

Retrofit

An emission control system employed exclusively with an in-use engine, vehicle or piece of equipment. CARB guidance requires the applicant to select the highest-level technology certified for that engine that provides the most emission reductions. For many projects, this includes a diesel emission control device that reduces both PM and NOx emissions. In order to be eligible for CMP funding, the retrofit device must be verified for the specific engine family found on the equipment and achieve the highest-level emission reductions when compared to other verified retrofit devices. If a specific device reduces both NOx and PM, but the PM reduction from a retrofit is required by a regulation, only the NOx reduction may be eligible for funding.

South Coast AQMD Jurisdiction

The South Coast AQMD is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties. This area of 10,743 square miles is home to approximately 17 million people—about half the population of the state of California. It is the second most populated urban area in the United States and one of the smoggiest. Visit <http://www.aqmd.gov/nav/about/jurisdiction> for more information.

**SECTION III -- FUNDING CATEGORIES**

Project equipment must be domiciled within the SCAB and operate a minimum of 75% of the time within the boundaries of the SCAB, except for on-road replacement projects, which are required to operate at least 51% of the time in the SCAB. Below are the specific project categories identified for funding under this PA:

<b>Project Category*</b>	<b>Examples</b>
On-Road Heavy-Duty Vehicles	<ul style="list-style-type: none"> <li>• Transit fleet vehicles</li> <li>• Drayage trucks</li> <li>• Solid waste vehicles</li> <li>• Public agency/utility vehicles</li> <li>• Emergency vehicle Replacement (fire apparatus)</li> </ul>
Off-Road Equipment	<ul style="list-style-type: none"> <li>• Marine Engine Repower</li> <li>• Shore Power</li> <li>• Construction Equipment</li> <li>• Industrial Equipment</li> <li>• Agricultural Mobile Equipment (loaders, tractors, water pulls, etc.)</li> <li>• Locomotives</li> <li>• Cargo Handling Equipment</li> </ul>

<b>Project Category*</b>	<b>Examples</b>
Infrastructure (to fuel or power a zero or near zero emission, heavy-duty vehicle or equipment)	<ul style="list-style-type: none"> <li>• Electric chargers</li> <li>• Alternative fueling stations for zero-emission and near zero-emission vehicles</li> </ul>

\*To be eligible for funding, all projects must be compliant with all applicable federal, state, and local air quality rules and regulations.

## **ON-ROAD VEHICLES**

Below are the key requirements for on-road, heavy-duty vehicle projects:

- For on-road vehicles, a project's new engines may not be diesel-fueled (with the exception of Emergency Apparatus).
- Eligible engine model years are 2017 and older. Engine model years 2009 and older subject to the Truck and Bus Regulation are no longer eligible as their compliance life has passed
- Projects must include commercially available technologies that are certified or verified by CARB.

For purposes of the CMP, the following on-road vehicle classifications are used:

<b>Vehicle Classification</b>	<b>GVWR</b>
Light Heavy-Duty (LHD)	14,001 to 19,500 pounds
Medium Heavy-Duty (MHD)	19,501 to 33,000 pounds
Heavy Heavy-Duty (HHD)	Over 33,000 pounds

The proposed vehicle must be in the same weight class as the existing vehicle (LHD, MHD or HHD). The engine must be certified to the applicable heavy-duty intended service class as shown on the engine certification Executive Order. However, the following cases may be allowed: 1) MHD engines may be installed in HHD vehicles with GVWR up to 36,300 lbs. (10 percent higher than 33,000 lbs. GVWR) with written warranty verification by engine and chassis manufacturer, or 2) HHD engines may be installed in MHD vehicles if necessary for vocational purposes but only if the GVWR are within 10 percent of the HHD intended service class (i.e., GVWR of 29,701 lbs. or greater).

Executive Orders for on-road vehicles may be downloaded at:

<http://www.arb.ca.gov/msprog/onroad/cert/cert.php>.

Project emission reductions will be based on the lower of two 12-month periods of California usage during the previous thirty months. Fleet averages cannot be used.

A vehicle registration gap between March 1, 2020 and June 1, 2020 is acceptable provided that 24-month continuous registration would be demonstrated if the registration could be renewed between March 1, 2020 and June 1, 2020.

If usage was impacted during the period of March 1, 2020 to June 1, 2020, it can be substituted with usage from the 3-month period immediately before the 24-month period prior to application submittal.

### Replacement of On-Road Vehicles

This project type involves the replacement of an older, in-use vehicle with a newer, cleaner vehicle. The replacement engine must be certified by CARB at or below the optional low NOx standard of 0.02 g/bhp-hr (or cleaner) and PM emission standard of 0.01 g/bhp-hr. In alignment with South Coast AQMD's 2016 AQMP, all on-road projects under the CMP must select the optional low-NOx, hybrid or zero-emission technologies. Diesel engines are not allowed in replacement vehicles except for Emergency Vehicles.

The South Coast AQMD requires that all on-road projects be operated within the South Coast AQMD jurisdiction for at least 75% of the time.

Applicants must clearly demonstrate their compliance status with the applicable CARB regulation (i.e., Statewide Truck & Bus Regulation, Drayage Truck Regulation, Fleet Rule for Public Agencies & Utilities, Transit Bus Regulation, TRU ATCM, etc.) at the time of application submittal and remain in compliance through final selection and contract execution (if selected).

Please note that if you are an owner of a fleet with 10 or fewer vehicles (greater than 14,000 lbs. GVWR), you may be eligible for funding through the On-Road Voucher Incentive Program (VIP). Currently, the VIP is the only incentive funding program in the SCAB that funds a compliant diesel vehicle or repower project. Please refer to the South Coast AQMD's VIP Web page to explore funding opportunities for replacement at: [www.aqmd.gov/vip](http://www.aqmd.gov/vip).

In addition, the following on-road projects will be considered on a case-by-case basis:

- On-road vehicles with a GVWR between 8,501 and 14,000 pounds,
- Retrofits that reduce NOx by at least 15 percent; for engines that are certified above 0.01 g/bhp-hr PM, the retrofit must also reduce PM emissions by 85 percent,
- Zero-emission transport refrigeration units (TRUs). Hybrid TRU projects are not eligible.

The two tables below provide the estimated amounts of possible awards for a heavy-duty vehicle replacement based on the existing diesel vehicle engine year, the annual mileage and the replacement vehicle type (0.02 low NOx or zero emission). The estimated awards are for fleet size of 10 trucks or less only. For fleet sizes of more than 10, the award amount cannot exceed 50 percent of the project cost, excluding taxes and fees.

#### **Funding Table for Replacement Drayage Truck Projects**

Annual Mileage of Existing Truck	Grant Amount for 0.02 NOx Drayage Replacement deployed in 2024*							
	2010	2011	2012	2013	2014	2015	2016	2017
Engine Model Year								
20,000 Miles/Year	\$118,219	\$114,076	\$109,933	\$80,045	\$77,678	\$75,311	\$72,943	\$70,576
30,000 Miles/Year	\$160,000	\$160,000	\$160,000	\$145,036	\$139,710	\$134,383	\$129,057	\$123,730
40,000 Miles/Year	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000

<b>50,000 Miles/Year</b>	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000	\$160,000
------------------------------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------

<b>Annual Mileage of Existing Truck</b>	<b>Grant Amount for ZE Drayage Replacement deployed in 2024*</b>							
<b>Engine Model Year</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>20,000 Miles/Year</b>	\$332,167	\$321,514	\$310,861	\$235,846	\$229,632	\$223,417	\$217,203	\$210,989
<b>30,000 Miles/Year</b>	\$410,000	\$410,000	\$410,000	\$410,000	\$407,478	\$393,496	\$379,514	\$365,532
<b>40,000 Miles/Year</b>	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000
<b>50,000 Miles/Year</b>	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000	\$410,000

\*The data on the tables are to be used for reference purposes only. The amounts represent a general estimation of the maximum award amount and are not to be used to determine individual award amounts.

### **On-Road Emergency Vehicle Replacement**

Authorized emergency vehicles, as described in California Vehicle Code 165, including but not limited to fire apparatus, pumpers, ladder trucks, water tenders, and prisoner transport buses, are exempt from CARB regulations and therefore eligible for CMP funding. Eligible emergency vehicle projects are those in which an older, more polluting emergency vehicle is replaced with a new or used replacement vehicle with an engine meeting the current model year California emission standards. The older, replaced vehicle must be destroyed.

A fire truck reuse option is also available on a case-by-case basis. The fire truck reuse option allows fire departments to give away the existing old vehicle and destroy another older vehicle in its place.

### **On-Road Vehicle Conversion**

Conversions involve the replacement or modification of the original engine or vehicle to include either a cleaner engine or other system that provides motive power and change of the fuel type used. Hybrid conversion systems using internal combustion engines must be certified according to "California Certification and Installation Procedures for Medium-and Heavy-Duty Vehicle Hybrid Conversion Systems." The baseline engine model year for hybrid conversions must be 2010 or newer. The conversion system manufacturer must provide written confirmation that the funded vehicle would not exceed the certified allowable limit. All-electric conversion systems must receive an exemption Executive Order per Vehicle Code section 27156.

### **INFRASTRUCTURE**

Infrastructure projects that enable the deployment of alternative, advanced, and cleaner technologies to support the State's air quality goals are also eligible for CMP funding. Depending upon the number of applications received, the South Coast AQMD may have to limit the available CMP funding that will be allocated to infrastructure projects. Specifically, projects in this category involve the installation of fueling or energy infrastructure that will be used to fuel or power zero or alternative fuel emission (subject to change) heavy-duty vehicles or

equipment. Infrastructure designed to exclusively fuel or charge light-duty vehicles is not eligible for CMP funding.

Infrastructure projects will be selected on a competitive basis taking into consideration the project location, total requested funding, the percentage of renewable source, public accessibility, expected usage for the life of the project, fleet commitments to utilize the infrastructure, equipment throughput relative to cost, project implementation timeliness, cost-share, and other factors. Each scoring criterion will be weighted as shown in the table below. The priority for project selection may change based on technology development/commercialization and requirements of any additional funds that may become available. Infrastructure projects are not subject to a cost-effectiveness limit, but are subject to maximum limits prescribed by CARB.

### Infrastructure Project Scoring Criteria

Criteria #	Criteria	Percentage
1	Project Location (if in an AB617 community)	8%
2	Renewable Sources	8%
3	Expected Throughput Usage per District Cost	20%
4	Project Co-Funding	10%
5	Infrastructure Usage and Equipment Availability	30%
6	Project Readiness and Implementation	21%
7	Application Completeness at Submittal	3%
	Total	100%

Applicants must provide cost information that specifies the amount of funding requested and the basis for that request by attaching vendor quotes to the application. Non-public entities must provide quotes from a minimum of two different vendors with the application. The vendor quotes must be dated within 90 days of the application submittal date. Applicants need to inform vendors of the time frame of the award process so that they can estimate prices based on the future/projected order/purchase date.

Eligible costs include planning and engineering, permitting, equipment necessary for the functional operation of the infrastructure, and installation. Operational costs are not eligible and should not be included in the vendor quotes.

Applicants shall include a description of the installation vendor selection process. Applicants must demonstrate that they either own the land on which the project will be located, or control it through a long-term lease, easement or other legal arrangement, for the duration of the project life. Infrastructure projects may also require a case-by-case review by CARB.

Eligible infrastructure projects include, but are not limited to:

- Battery charging stations: New, conversion of existing, and expansion to existing battery charging stations for heavy-duty vehicles and equipment (not for light-duty vehicles)

- Hydrogen Fueling Station: New, conversion of existing, or expansion of existing hydrogen fueling station for heavy duty vehicles and equipment
- Stationary Agricultural Station: Pump electrification
- Shore Power: Shore-side electrification for projects not subject to CARB's shore power regulation. Only a port authority, terminal operator, or marine vessel owner is eligible for this type of infrastructure project.

A vehicle or equipment project is not required to be submitted as a condition of eligibility for infrastructure funding, however, priority will be given to such projects. The applicant must provide proof (i.e., letter of commitment from the fleet operator, purchase orders, etc.) that a sufficient number of supported vehicles/equipment be acquired and/or committed to utilize the infrastructure when the project is complete. For infrastructure expansion projects, documentation of increased throughput at the station is required to ensure the expansion is commensurate with projected fueling demand.

All projects funded need to be registered with the Department of Industrial Relations (DIR) and must comply with DIR requirements on labor practices which covers a broad prevailing wage. The Carl Moyer Program also specifies that applicants awarded a contract must comply with applicable provisions of Labor Code Sections 1720-1861.

### **OFF-ROAD COMPRESSION-IGNITION EQUIPMENT**

This category includes off-road, mobile compression ignition equipment with engines greater than 25 horsepower. Off-road heavy-duty equipment/engines include, but are not limited to, construction equipment, agricultural equipment, marine engines, ship-side shore power and locomotive equipment. Portable equipment is not eligible for CMP funding. The following off-road equipment projects may be eligible for funding:

- Repower: The replacement of an existing engine with a newer emission-certified engine, or zero-emission system, instead of rebuilding the existing engine to its original specifications.
- Retrofit: The installation of a CARB-verified emission control system on an existing engine. Examples include, but are not limited to, particulate filters and diesel oxidation catalysts.
- Equipment Replacement: The purchase of new or used equipment with an engine certified to the current emission standard (Tier 4 Final) or zero-emission technology to replace an older, fully functional piece of equipment that is to be scrapped.

For off-road replacement and repower projects (excluding marine engines), the CMP guidelines specify that the horsepower rating of the new (or replacement) engine must not be greater than 125 percent of the original manufacturer rated horsepower of the old (or existing) engine. If the new engine is greater than 125 percent, then the eligible funding amount will be based on the cost of an engine or equipment with a horsepower rating that is no higher than 125 percent of the existing engine horsepower rating. The applicant must pay the additional costs associated with the higher horsepower engine and obtain a price quote for an engine or equipment that is within the 125 percent range for the funding determination. In addition, verifiable records on the existing engine must be provided with the application to accurately identify the engine manufacture year and horsepower (e.g., photographs of engine labels, statement from engine manufacturers, etc.).

### Diesel Construction Equipment

According to CARB's In-Use Off-Road Diesel Vehicle Regulation (Off-Road Regulation), the construction fleets are categorized as follows:

Fleet Size	Horsepower Range
Small	Less than or equal to 2,500 HP
Medium	Between 2,500 HP and 5,000 HP
Large	Greater than 5,000 HP

On November 17, 2022, amendments to the Off-Road Regulation will be considered by CARB. Actions adopted by CARB at this time may significantly limit the eligibility of off-road equipment for CMP funding. If amendments are adopted as proposed, the potential funding for Tier 4 Final or Zero-Emission replacements and repowers will be available for the existing Tiers until the following dates:

Potential Funding	Large Fleets	Medium Fleets	Small Fleets
Tier 0	Not allowed	Not allowed	12/31/2025
Tier 1	Not allowed	12/31/2024	12/31/2027
Tier 2	12/31/2024	12/31/2026	12/31/2029

Tier 3 and Tier 4 Interim equipment may be replaced or repowered without restriction to Tier 4 Final or Zero Emission technologies when feasible. Proposed Off-Road Regulation Amendment above is pending CARB Board approval. We will evaluate projects based on the most updated Off-Road Regulation. In all cases, large and medium fleets must meet final compliance requirements and small fleets must meet final compliance requirements by December 31, 2026 to be eligible for funding. They must also demonstrate eligibility with the most current Off-Road Regulation & CMP Guidelines.

Fleets are also eligible to apply for funding through the Surplus Off-Road Opt-In for NOx (SOON) Program for new diesel engines, however additional demonstration of fleet compliance to the Off-Road Regulation is required. More information can be found at the Year 25 SOON Program Announcement. Please visit [www.aqmd.gov/soon](http://www.aqmd.gov/soon).

Applicants must submit information regarding fleet size and compliance status. **This must include the Diesel Off-Road On-line Reporting System (DOORS) ID of the fleet, the DOORS Compliance Snapshot, the DOORS equipment list, and the DOORS Equipment Identification Number (EIN) of the funded equipment.** All documentation submitted must be signed and dated by the applicant and include language certifying that the fleet list provided is accurate and complete.

### Cargo Handling Equipment

Cargo handling equipment (CHE) is any motorized vehicle used to handle cargo delivered by ship, train, or truck, or used for scheduled routine maintenance activities at a port or intermodal rail yard. Equipment that handles cargo containers includes yard trucks, top handlers, side handlers, reach stackers, forklifts, and rubber-tired gantry (RTG) cranes.

Applicants must be in compliance with the CHE Regulations and equipment utilizing regulatory extensions are not eligible for funding. Cargo handling equipment located at other locations such as distribution warehouses must be in compliance with the off-road diesel regulation.

### **Agricultural Equipment**

Diesel agricultural equipment are not subject to the off-road regulation. However, a statement of how the equipment will be used and what percentage of the time the equipment will be used for agricultural purposes is required in order to be eligible for the CMP funding. Agricultural equipment must be operated over 50% of the time in agricultural operations. Agricultural operations include, but are not limited to, activities such as the raising and harvesting of crops from soil, the raising of fowl or animals, logging, and forestry operations. A majority of the off-road vehicles used in facilities such as wineries, dairies, logging operations, farms, ranches, and wholesale are considered “agricultural operations”.

### **Large Spark-Ignition Equipment**

LSI engines or alternative fuel-powered LSI internal combustion engines. Are designed for powering, but not limited to powering, forklift trucks, sweepers, generators, and industrial equipment. In order to be eligible for CMP funding, LSI fleets must have met the final compliance requirements. To be eligible for funding LSI fleets must have at least three years of emission reductions surplus to the LSI Fleet Regulation. If you have a large fleet of four or more forklift units or four or more units consisting of sweepers/scrubber, ground support equipment (GSE), and industrial tow tractors you must meet final LSI Regulation average emissions to be eligible for funding.

### **Marine Vessels**

Marine vessel project types include engine repower and shore power. Only existing engines on a marine vessel with a fully functioning non-resettable hour meter are eligible for CMP funding.

#### Marine Engine Repower

Vessels subject to the in-use compliance requirements of CARB’s Commercial Harbor Craft (CHC) Regulation (i.e., barge, crew/supply, dredge, excursion, ferry, towboat and tugboats) are eligible for Carl Moyer Program funding as long as the vessel is fully compliant with the CHC Regulation. Based on the vessel’s operation, the newer engine’s emissions must be surplus to the currently required U.S. EPA marine engine emission standard (i.e., Tier 3 (for Commercial Fishing Vessels only), Tier 3 + DPF, Tier 4 and Tier 4 + DPF etc.). Remanufacture kits, which are comprised of engine component parts that, when installed, reduce the engine’s emissions, are subject to the same requirements as engine repower projects. For all marine engine repower projects, the replacement engine must provide at least a 15 percent NOx reduction relative to the baseline engine.

The final CHC Regulation were provided to the Office of Administrative Law by CARB on July 21, 2022. The updated CHC Regulation compliance dates for marine vessel types can be found on Table 7 through 10 of the Final Regulation Order at <https://ww2.arb.ca.gov/rulemaking/2021/chc2021>. Due to the updated compliance dates and Carl Moyer requirements for surplus emissions, the following table highlights eligible marine vessel repower projects based upon engine model year:



<b>Marine Vessel Type</b>	<b>Engine Model Year</b>
Ferries (except short-run ferries) Pilot Tugboats	2020 or newer
Research Excursion Commercial Passenger Fishing (or Charter Fishing)	2013 or newer
Dredges Barges Crew & Supply Workboats	2007 and newer
Commercial Fishing	All model years eligible

### Ship-Side Shore Power

Limited CMP funding opportunities remain for ship-side shore power projects due to the applicability of CARB's At-Berth Regulation. Applicants must submit their CARB-approved Initial Terminal Plan to document compliance with CARB's Shore Power regulation. The proposed projects must provide emission reductions that are surplus to regulatory requirements. Projects not subject to CARB's regulation are eligible.

### Locomotives

All new locomotives and replacement engines must be certified to Tier 4 standards or cleaner to be eligible for CMP funding. There are very limited CMP funding opportunities for Class 1 freight railroads. Such a project will be subject to a case-by-case approval by CARB. Class 2/Class 3 freight railroads and passenger railroads are not subject to any CARB fleet regulations and are therefore eligible for CMP funding.

The following project types are eligible for CMP funding:

1. Locomotive replacement (the reuse and/or recycling of the baseline chassis is allowed if the baseline engine is destroyed)
2. U.S. EPA-certified engine remanufacture kit or repower
3. Head-end power (HEP) unit (apply as an off-road engine project).

## **SECTION IV – APPLICATION SUBMITTAL REQUIREMENTS**

Applicants must apply for CMP funding using the South Coast AQMD's CMP Online Grant Management System (GMS) which will be provided on January 10, 2023 at: [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer). In addition, all Business Information Forms including Conflict of Interest and Project Cost information, as described below, must also be submitted with the application. It is the responsibility of the applicant to ensure that all information submitted is accurate and complete. **Paper applications will not be accepted.**

### **PROJECT COST**

Applicants must provide cost information that specifies the amount of funding requested and the basis for that request by attaching vendor quotes to the application. The vendor quotes must be

dated within 90 days of the application submittal date. Applicants need to inform vendors of the time frame of the award process so that they can estimate prices based on the future/projected order/purchase date.

**Purchase orders or other purchase commitments shall not be placed until after the date of award approval by the South Coast AQMD Governing Board. Purchase orders may be placed after South Coast AQMD Governing Board approval and in advance of a fully executed contract, but these orders/commitments are placed at the applicant's own risk.**

The CMP will fund only a percentage of the cost of the near-zero emission or zero-emission technology based on the type of project. The proposed near-zero emission or zero-emission technology must be certified, verified or approved by CARB in most cases. No administrative or operational costs will be funded.

All project costs must be clearly indicated in the application. In addition, applicants must disclose all sources of co-funding, including the name of the funding source and amount of funding in the application. **Applicants are cautioned that the project life period used in calculating emissions reductions will be used to determine the length of their annual reporting obligation.** In other words, a project applicant using a ten-year life for the emissions reduction calculations will be required to operate, track and report activity for the project vehicle for the full ten years. The contract term will also be ten years.

Applicants are not required to calculate a project's cost-effectiveness. Methodologies for calculating cost-effectiveness are provided in the CARB Moyer Guidelines at: [https://www.arb.ca.gov/msprog/moyer/guidelines/2017gl/2017\\_gl\\_appendix\\_c.pdf](https://www.arb.ca.gov/msprog/moyer/guidelines/2017gl/2017_gl_appendix_c.pdf).

### **APPLICATION SUBMISSION**

All online applications must be submitted according to specifications set forth herein. Failure to adhere to these specifications may be cause for rejection of the application without evaluation.

**Grounds for Rejection:** An application may be immediately rejected if:

- Does not include correct documentation and other forms required.
- All applications are not signed by an individual authorized to represent the firm

**Staff Contact Information:** South Coast AQMD staff contacts for each category are listed under South Coast AQMD Staff Contacts and Additional Resources below. Applicants may contact South Coast AQMD staff to discuss their project prior to submitting an online application to ensure program eligibility.

**Business Information Forms:** All business information forms **must** be completed and submitted with the online application. Please note, if recommended for an award, you will be required to submit an updated Campaign Contribution Disclosure form at a later date. Download these forms at [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer). These business forms will also be available on the Carl Moyer Program GMS.

**Electronic Submittal:** A link to access South Coast AQMD’s Carl Moyer Program GMS will be available on January 10, 2023 at: [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer). The Carl Moyer Program GMS allows applicants to submit applications electronically to the South Coast AQMD and track the progress of their application(s). **Applications must be submitted through the Carl Moyer Program GMS by May 9, 2023 at 1:00 PM.** The GMS will not allow applications to be submitted after the due date and time. South Coast AQMD “Business Information Forms” requiring signatures must be scanned and uploaded to the electronic application in PDF format.

First-time users must register as a new user to access the system. Applicants will receive a confirmation email after all required documents have been successfully uploaded. A tutorial of the system will be provided at the pre-application workshops or online and you may contact staff if you would like additional assistance.

Third parties assisting in applications may create their own account on the Carl Moyer Program GMS that can be linked through the primary user account.

**Missing Information** – Within thirty (30) business days of the online application submittal due date of May 9, 2023, South Coast AQMD will email letters to applicants regarding the missing or incomplete information. Applicants will have seven (7) business days to provide any missing information requested in the letter. It will be the applicant’s responsibility to submit the missing or incomplete information within the time specified by South Coast AQMD staff. Only complete applications can move forward in the evaluation process.

**Disposition of Applications** - The South Coast AQMD reserves the right to reject any or all applications. All responses become the property of the South Coast AQMD. A copy of each application not selected for funding shall be retained for one year. Additional copies and materials will be returned only if requested and at the applicant's expense.

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

Prior to submitting the application, applicants must sign and agree to the terms and conditions of the requirements for submittal of additional project information to finalize a contract and that all vehicles, engines or equipment shall be in operation within eighteen (18) months of contract execution.

### **SCOPE OF WORK**

The scope of work will describe tasks and deliverables that demonstrate compliance with the requirements of the CMP as administered by CARB and the South Coast AQMD. The project applicant is responsible for developing detailed project plans and ordering equipment that complies with the program criteria and guideline requirements. In addition, alternative fuel project applicants must discuss their plan for refueling the proposed vehicles/equipment, and if appropriate, should provide a letter of agreement from their fuel provider (see Application forms).

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

- Provide emission reductions that are real, surplus, quantifiable and enforceable in accordance with CMP guideline requirements.
- Project equipment must be domiciled within the boundaries of the SCAB.
- Meet the cost-effectiveness limit, as described in this PA and the CMP Guidelines, and subsequent CMP Advisories.
- For repower and replacement projects, the new engine must achieve an annual NOx emissions benefit of at least 15 percent to receive any funding.
- Commit that project engines or equipment operate in service for the full project life and at least 75 percent of annual operation must occur within the South Coast AQMD except for on-road replacement projects. On-road replacement projects may be eligible for funding with a minimum of 51% annual operation within the South Coast AQMD.
- The cost-effectiveness calculation is based on the percent operation within the South Coast AQMD boundary. Project life is the number of years used to determine the cost-effectiveness and is equal to the contract term. The contract will include the percent operation as a minimum requirement (75% for all projects, except on-road replacement projects, which are allowed a 51% minimum).
- Commit that all vehicles/engines/equipment are in operation within 18 months of contract execution.
- Provide for appropriate recordkeeping during the project life (i.e., annual mileage, fuel consumption and/or hours of operation), including submission of annual reports as detailed below.
- Ensure that the project complies with all applicable rules and regulations, and the resulting emission reductions from the project are not required as a mitigation measure to reduce adverse environmental impacts that are identified in an environmental document prepared in accordance with the California Environmental Quality Act or the National Environmental Policy Act.
- If requested, contractor must provide a financial statement and bank reference, or other evidence of financial ability to fulfill contract requirements.
- If requested, contractor must make all equipment and records available to the South Coast AQMD or CARB for audit and inspections.

### **PAYMENT TERMS**

For all projects except shore power projects, full payment will be made upon installation and commencement of operation of the funded equipment. For shore power projects, a progress payment schedule may be established that allows payment upon completion of key milestones, as delineated in the contract.

### **DELIVERABLES**

The contract will describe how the project will be monitored and what type of information must be submitted as part of the reporting requirements. At a minimum, the South Coast AQMD expects to receive an annual report for each year during the full contract term, or project life, which provides the annual miles, -fuel consumption or hours of operation, where the vehicle or equipment was operated, and operational and maintenance issues encountered and how they were resolved. South Coast AQMD reserves the right to verify the information provided.

Annual reporting forms are available online at: [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer)

## **SECTION VI – APPLICATION EVALUATION/CONTRACTOR SELECTION CRITERIA**

South Coast AQMD staff will evaluate all eligible online applications and make recommendations to the Governing Board for final selection of project(s) to be funded. Each project will be evaluated based on two primary criteria: (1) the cost-effectiveness of NOx, PM10 and ROG reduced, and (2) the project’s status with respect to the disadvantaged community and low-income criteria prescribed by CARB.

Note: Infrastructure projects are not subject to a cost-effectiveness limit but instead will be evaluated on a competitive basis using metrics that include, but are not limited to: fleet usage commitments, project location and readiness, expected vehicle usage/throughput and cost share.

### **PROJECT COST-EFFECTIVENESS**

The CMP award amount shall not exceed the project’s incremental cost, applicable funding caps and/or cost-effectiveness limit(s). The “Step 1” cost-effectiveness limit, \$33,000 per weighted ton of emissions reduced, applies to projects that bring vehicles and equipment up to current standards. The “Step 2” cost-effectiveness limit of a maximum of \$500,000 per weighted ton of emissions reduced may be implemented pending CARB approval (in lieu of the \$109,000 per weighted ton, as stated in the 2017 Carl Moyer Program Guidelines) and applies to projects that are zero-emission or meet the cleanest certified optional standard applicable (by source category). Project cost-effectiveness is subject to change to meet additional program requirements.

All projects must meet the criteria stated in this PA and the CMP Guidelines in effect at the time of contract execution. A project’s cost-effectiveness is determined based on the annualized cost of the project and the amount of NOx, ROG and PM10 emission reductions that will be achieved by the project. Project cost-effectiveness is currently calculated according to the following formula:

$$\frac{\text{Annualized Cost (\$/year)}}{[\text{NOx reduction} + \text{ROG reduction} + (20 \times \text{combustion PM10 reduction})] \text{ (tons/year)}}$$

For projects that involve advanced technologies, the cost-effectiveness will be calculated using the CMP’s two-step calculation approach. Detailed guidance for the new two-step calculation approach, as well as all CMP emissions reduction and cost-effectiveness calculations is available at: [https://www.arb.ca.gov/msprog/moyer/guidelines/2017gl/2017\\_gl\\_appendix\\_c.pdf](https://www.arb.ca.gov/msprog/moyer/guidelines/2017gl/2017_gl_appendix_c.pdf).

## **SECTION VII – IMPORTANT PROGRAM INFORMATION**

- Applicants **must** provide proof of ownership with their online application. This may include vehicle/equipment title, bill of sale, or in the case of marine vessel projects, the U.S. Coast Guard registration documentation. Equipment must be owned a minimum of two years from

the date of application submittal (with the exception of locomotive projects, which is a one-year minimum).

- Project equipment must be domiciled within the SCAB and operate a minimum of 75% of the time within the boundaries of the SCAB (except on-road replacement projects, which are required to operate a minimum of 51% within the SCAB).
- Applicants must provide vendor quotes with their application to document the cost of the new replacement vehicle/equipment project (or engine for repower project). Applicants may be awarded up to the designated percentage of total cost for the specified type of project (new purchase, repower replacement and/or retrofit, infrastructure), subject to funding caps and program cost-effectiveness limits. All quotes must have been obtained within 90 days prior to the application submittal date.
- Applicants must provide legible engine tag photos of the baseline engine(s) or manufacturer specifications that document the engine serial number, horsepower, model year and engine family number, emissions certification level and CARB Executive Order (if controlled).
- Applications for fuel and engine technologies that are not certified, verified or approved by CARB, or falling outside the categories specifically discussed in this PA, may be referred to CARB for determination of CMP eligibility on a case-by-case basis. Please discuss these projects with South Coast AQMD staff prior to application submittal. Projects submitted for CARB case-by-case review will require the applicant to provide additional justification and documentation regarding the project and the applicant's justification for such consideration.
- A number of the CARB fleet rules and air quality regulations impact CMP eligibility. Compliance with existing CARB regulations is a pre-requisite for CMP funding. Only emission reductions in excess of regulatory requirements can be considered for CMP funding. If applicants are applying for CMP funds to reduce emissions before the required compliance date (i.e., early reductions), the equipment must demonstrate sufficient years of operation before the regulatory compliance deadline. Applicants are responsible for ensuring that they are in full compliance with all applicable regulations and that vehicle/equipment requests under the CMP provide surplus emission reductions. As noted earlier, applicants must provide documentation of their regulatory compliance status.
- Any tax obligation or liabilities associated with the award is the responsibility of the grantee. Please consult your tax advisor on the tax liabilities of receiving a grant award under the Carl Moyer Program.
- No third-party contracts will be executed.
- Pre-, post- and destruction inspections of all vehicles/engines/equipment approved for funding will be conducted, as required. However, due to the impact of Covid-19 and to ensure the safety of the staff and the public, inspections of all vehicles/engines/equipment may be conducted virtually via remote inspections depending on the status of the pandemic. Applicants must make all equipment available for in-person or remote inspections unless

otherwise specified during contract preparation, or through updates from South Coast AQMD. Documentation of compliance with existing regulatory requirements is required at the time of pre-inspection.

- The usage for off-road equipment projects will be based on hours (except for locomotive projects, which require annual fuel consumption in gallons), and the usage for on-road vehicle projects will be based on mileage. The applicant must provide the historical usage records for the equipment as part of the application for the previous two years. For on-road projects, the emission reductions will be based on the lower of the two 12-month periods of California usage within the prior thirty months. Low usage during the period of March 1, 2020 and June 1, 2020 can be substituted with the 3-month period that precedes the 24-month period prior to application submittal. Fleet averages cannot be used. Registration gaps during this period can be accepted if the vehicle was registered prior to March 1, 2020 and immediately after June 1, 2020.
- It is the applicant's responsibility to ensure that the most current information and requirements are reflected in a submitted project application. Applicants should check the CARB website for updates and advisories to the guidelines ([www.arb.ca.gov/msprog/moyer/moyer.htm](http://www.arb.ca.gov/msprog/moyer/moyer.htm)).
- In cases of conflict between CARB guidelines and South Coast AQMD criteria, the more stringent criteria will prevail. South Coast AQMD will post any new information and requirements on its CMP Web page at [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer).
- Projects subject to CARB regulations must submit a copy of the most recent CARB compliance report(s) or other documentation that provides South Coast AQMD with clear understanding of the fleet's compliance status.
- All emission reductions resulting from funded projects will be credited to the Carl Moyer Program. A grant shall not be made that provides the applicant with funds in excess of the maximum eligible amount, in accordance with CMP guidelines.
- A project may be leveraged with other funding sources. The applicant must disclose all funding sources at the time of application and will be required to report all funding sources prior to invoice payment. Other funding sources may include but are not limited to state and federal funding programs that reduce greenhouse gas (GHG) emissions, funding provided by the Alternative and Renewable Fuel and Vehicle Technology Program, Air Quality Improvement Program, or CARB's Low Carbon Transportation Investment funds to reduce GHG emissions. The sum of all grants and other funds applied toward the project shall (1) not exceed the total project cost for public agency applicants and (2) not exceed 85% of the total project cost for non-public agency applicants. In other words, the grantee must pay at least 15 percent of the project cost from non-public sources.
- The emission reductions paid for by the CMP shall not be claimed by the other funding sources.



**SECTION VIII – SCHEDULE OF EVENTS**

Issue PA2023-04	December 2, 2022
Applications Open	January 10, 2023
Workshops	Information on virtual pre-recorded presentations and other meetings (as needed) to be posted on <a href="http://www.aqmd.gov/moyer">www.aqmd.gov/moyer</a>
All Applications Due by 1:00 pm	<b>Tuesday, May 9, 2023</b>
Awards Consideration by the Board	October - December 2023
Contract Execution	January 2024 thru June 2024

**ALL APPLICATIONS MUST BE RECEIVED VIA SOUTH COAST AQMD'S  
CMP ONLINE GRANT MANAGEMENT SYSTEM  
NO LATER THAN TUESDAY, MAY 9, 2023 at 1:00 PM**

**Access to South Coast AQMD's CMP Online GMS is provided at: [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer)**

In light of COVID-19 and ensuring public safety protocols are being met, the South Coast AQMD may conduct in-person workshops for this year's CMP. However, if in-person workshops are not held due to impacts of COVID-19, South Coast AQMD will post pre-recorded presentations and host virtual meetings to provide program information and application assistance for applicants interested in participating in the CMP. Details on meetings and pre-recorded presentations will be posted at [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer) after January 10, 2023.

## SOUTH COAST AQMD STAFF CONTACTS AND ADDITIONAL RESOURCES

The South Coast AQMD staff contacts are listed in Table 1 by project category. Copies of the Program Announcement, Business Information Forms and a sample South Coast AQMD CMP contract may be accessed at: [www.aqmd.gov/moyer](http://www.aqmd.gov/moyer).

**Table 1: CMP Staff Contacts**

Project Category	Staff Contact	Phone Number	Email
On-Road Heavy-Duty Vehicles	Tom Lee	(909) 396-2270	<a href="mailto:tlee@aqmd.gov">tlee@aqmd.gov</a>
	David Chen	(909) 396-3083	<a href="mailto:dchen@aqmd.gov">dchen@aqmd.gov</a>
	Justin Joe	(909) 396-2054	<a href="mailto:jjoe@aqmd.gov">jjoe@aqmd.gov</a>
Off-Road Equipment	Alyssa Yan	(909) 396-2024	<a href="mailto:ayan@aqmd.gov">ayan@aqmd.gov</a>
	Darren Ha	(909) 396-2548	<a href="mailto:dha@aqmd.gov">dha@aqmd.gov</a>
	Kevin Perozo	(909) 396-2522	<a href="mailto:kperozo@aqmd.gov">kperozo@aqmd.gov</a>
Cargo Handling Equipment Electrification	Greg Ushijima	(909) 396-3301	<a href="mailto:gushijima@aqmd.gov">gushijima@aqmd.gov</a>
Marine Vessels	Nick Volpone	(909) 396-2636	<a href="mailto:nvolpone@aqmd.gov">nvolpone@aqmd.gov</a>
Ship-Side Shore Power	Nick Volpone	(909) 396-2636	<a href="mailto:nvolpone@aqmd.gov">nvolpone@aqmd.gov</a>
Locomotives	Andrew Yoon	(909) 396-3043	<a href="mailto:ayoon@aqmd.gov">ayoon@aqmd.gov</a>
Infrastructure	George Wu	(909) 396-2533	<a href="mailto:gwu@aqmd.gov">gwu@aqmd.gov</a>

### CONTACT FOR ADDITIONAL INFORMATION

Questions regarding the content or intent of this PA, procedural matters or locations of workshops should be addressed to: [carlmoyer@aqmd.gov](mailto:carlmoyer@aqmd.gov)

### WEBSITE LINKS TO CARB RULES THAT AFFECT CMP ELIGIBILITY

CARB Regulation	Website
On-Road Private (Truck and Bus)	<a href="http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm">http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm</a>
Drayage Truck Regulation	<a href="#">Drayage Truck Regulation Sunset   California Air Resources Board</a>
Public/Utility Fleets	<a href="http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm">http://www.arb.ca.gov/msprog/publicfleets/publicfleets.htm</a>
In-Use Off-Road	<a href="http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm">http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm</a>
Harbor Craft	<a href="http://www.arb.ca.gov/ports/marinevess/harborcraft.htm">http://www.arb.ca.gov/ports/marinevess/harborcraft.htm</a>
Cargo Handling Equipment	<a href="http://www.arb.ca.gov/ports/cargo/cargo.htm">http://www.arb.ca.gov/ports/cargo/cargo.htm</a>
Shore Power	<a href="http://www.arb.ca.gov/ports/shorepower/shorepower.htm">http://www.arb.ca.gov/ports/shorepower/shorepower.htm</a>



## Surplus Off-Road Opt-In for NO<sub>x</sub> (SOON)

### SOUTH COAST AQMD PROGRAM ANNOUNCEMENT PA 2023-05

The South Coast AQMD is seeking proposals for the Surplus Off-Road Opt-In for NO<sub>x</sub> (SOON) Provision of the California Air Resources Board's (CARB's) In-Use Off-Road Diesel-Fueled Fleets Regulation. The primary purpose of this Program is to provide financial incentives to assist in the purchase of zero or lower-emissions heavy-duty engine technologies to achieve near-term nitrogen oxides (NO<sub>x</sub>) emissions reductions from in-use off-road equipment. Since funding for the SOON Program is from the Carl Moyer Program (CMP), all CMP requirements apply to this Program, except where specifically noted, or where the South Coast AQMD implements more stringent program criteria as described in the Rule 2449 SOON Implementation Guidelines.

#### **SECTION I: OVERVIEW**

The South Coast Air Quality Management District (South Coast AQMD) is soliciting project proposals for the following purpose according to terms and conditions attached. In this Program Announcement (PA), the words "Proposer," "Applicant," "Contractor," and "Consultant" are used interchangeably.

- WHO:** Construction Fleets that can demonstrate compliance with the Off-Road Regulations throughout the contract term.
- WHAT:** Replacement or repower of older diesel engines to Tier 4 Final or cleaner technologies. Engines must be CARB-certified. The new engine must be certified for sale in California and must provide a 15% NO<sub>x</sub> Reduction.
- HOW:** All applications must be submitted according to specifications in the Application Portal. Failure to adhere to these specifications may be cause for rejection of the application without evaluation. The Application Portal can be found on South Coast AQMD's program page: <http://www.aqmd.gov/soon>. Application assistance will be offered to applicants that do not own a computer or have internet access. Please note: Hardcopy, Facsimile or Email submittals will not be accepted.
- WHEN:** Solicitation opens on January 10, 2023 and closes on May 9, 2023 at 1:00 p.m.

#### **GENERAL PROGRAM INFORMATION**

The primary focus of the SOON Program is to achieve emission reductions from heavy-duty off-road vehicles and equipment operating in California as early and as cost-effectively as possible. The SOON Program is intended to achieve additional NO<sub>x</sub> reductions which are needed to meet the PM<sub>2.5</sub> and ozone ambient air quality standards in the South Coast Air Basin. The emission reductions expected through the deployment of zero or low-emissions engine or replacement technologies under this Program must be real, surplus and quantifiable. Senate Bill 513 (Beall)

removed many of the limitations associated with co-funding from other sources. The air district must verify the sum of all other incentive funds to ensure the Moyer funds will not exceed the total project cost. Applicants from non-public entities must provide at least 15 percent of the Moyer eligible project costs from non-public sources.

Replacement and repower projects are **limited to only** those involving a diesel baseline engine subject to the off-road regulation and lower emission or zero emission technology that may be verified and approved by CARB. No administrative or vehicle operational costs are eligible.

It is expected that multiple awards will be granted under this PA, subject to the approval of the South Coast AQMD Governing Board.

All proposals will be evaluated based on criteria set forth in this PA. The South Coast AQMD will evaluate and/or verify information submitted by the applicant. At South Coast AQMD's discretion, consultants contracted by South Coast AQMD may conduct all or part of such evaluation and/or verification. Data verification during the evaluation and contracting process may cause initial cost-effectiveness rankings, and associated awards, to change. Furthermore, the South Coast AQMD reserves the right to make adjustments to awards based on the subsequent verification of information as well as changes in cost-effectiveness.

## PROGRAM CRITERIA

- Fleets with a total statewide equipment horsepower over 20,000 hp and with 40 percent or more of their vehicles at Tier 0 and Tier 1 emission levels as of January 1, 2008, are subject to the SOON Program and are required to apply for funding. Fleets not meeting both of the above criteria on January 1, 2008, may voluntarily participate in this Program and apply for funding.
- On November 17, 2022, amendments to the Off-Road Regulation will be considered by CARB. Actions adopted by CARB at this time may significantly limit the eligibility of off-road equipment for CMP funding. If amendments are adopted as proposed, the potential funding for Tier 4 Final or Zero-Emission replacements and repowers will be available for the following existing Tiers **until** the following dates:

Potential Funding	Large Fleets	Medium Fleets	Small Fleets
Tier 0	Not allowed	Not allowed	12/31/2025
Tier 1	Not allowed	12/31/2024	12/31/2027
Tier 2	12/31/2024	12/31/2026	12/31/2029

*Proposed Off-Road Regulation Amendment above is pending CARB Board approval.*

- The annual hours used to calculate cost-effectiveness will be included in the contract. An extension of the contract or partial payback of funds may be required if the proposed annual hours are not achieved.
- For all repower projects, fleets are **not** required to, but may install the highest level verified diesel emission control system (VDECS) at their own cost.
- Applicants must demonstrate that during the contract period, vehicles equipped with new engines, or that have been replaced using SOON program funding, will not use a lower emission rate to calculate the fleet average index and target rate and BACT credit to meet compliance in the DOORS. Actions taken using SOON program funding may be used for

determining compliance **after** the completion of the SOON program project contract period for that vehicle. For example, if a Tier 2 vehicle is repowered with a Tier 4 engine with SOON Program funds for purposes of compliance with the off-road regulation, that vehicle is still treated as if it were a Tier 2 until the end of the contract period for the SOON program project.

- Applicants **must** provide vendor quotes with their online application to document the cost of implementing the proposed technology. **All quotes must have been obtained within 90 days of application submittal. Applicants may be required to submit quotes from more than one technology provider.**
- For off-road replacement and repower projects, the CMP guidelines specify that the horsepower rating of the new (or replacement) engine must not be greater than 125 percent of the original manufacturer rated horsepower of the old (or existing) engine. If the new engine is greater than 125 percent, then the eligible funding amount will be based on the cost of an engine or equipment with a horsepower rating that is no higher than 125 percent of the existing engine horsepower rating. The applicant must pay the additional costs associated with the higher horsepower engine and obtain a price quote for an engine or equipment that is within the 125 percent range for the funding determination. In addition, verifiable records on the existing engine must be provided with the online application to accurately identify the engine manufacture year and horsepower (e.g., photographs of engine labels, statement from engine manufacturers, etc.).
- Applicants must demonstrate that they are in full compliance with all applicable CARB regulations and that vehicle/equipment funding requests under this Program provide surplus emissions reductions. **Applicants are required to submit a compliance plan showing how they will comply with the targets of CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation throughout the contract term, as well as how the new projects under this PA will meet SOON NOx targets in 2023.**
- Applicants must ensure that the vehicle/equipment to be purchased or installed is in compliance with all applicable federal, state and local air quality rules and regulations and that it will maintain compliance for the full contract term.
- Any associated tax obligation with the award is the responsibility of the grantee.
- No third-party contracts will be executed. The South Coast AQMD contract must be signed by the equipment owner.
- Pre- and post-inspection of all vehicles/engines/equipment approved for funding will be conducted by South Coast AQMD.
- Destruction of the engine/equipment being repowered or replaced is required.
- To avoid double dipping, applicants shall not apply for funding for the same equipment in any other air district.
- Project equipment must be domiciled and operate a minimum of 75% of the time within the boundaries of the SCAB.

## PROJECT CRITERIA

The South Coast AQMD retains the authority to impose more stringent requirements in order to address local concerns.

- Off-road CI equipment eligible for SOON Program funding includes equipment 25 hp (19 kilowatt) or greater. The complete definition can be found in CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation at <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.
- SOON Program grants can be no greater than a project's incremental cost. The incremental cost shall be reduced by the value of any current financial incentive that reduces the project price, including but not limited to tax credits or deductions, grants or other public financial assistance.
- Applicants must ensure that the vehicle/equipment to be purchased or installed is in compliance with all applicable federal, state and local air quality rules and regulations and that it will maintain compliance for the full contract term.
- The certification emission standard and Tier designation for the engine must be determined from the CARB's Executive Order issued for that engine, not by the engine model year. Executive orders for off-road engines may be found at <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>.
- Reduced emission engines must be certified/verified for sale in California and must comply with durability and warranty requirements. These may include new CARB-certified engines and verified diesel emission control strategies.
- Class 7 diesel forklifts are the only diesel forklifts eligible for SOON Program funding and are subject to all off-road project criteria. The South Coast AQMD must obtain and verify documentation of the classification of the forklift prior to funding.
- If repower with an engine meeting the current applicable standard is technically infeasible, unsafe or cost prohibitive, the replacement engine must meet the most current practicable previously applicable emission standard and cost-effectiveness criteria and, if rated at less than 175 hp, must comply with the requirements related to replacing in-use engines contained in Title 40, Code of Federal Regulations, Section 1068.240.
- Replacement of an uncontrolled diesel off-road engine with a new on-road engine certified to an emission standard equal to or lower than the Tier 4 Final off-road emission standard or a newer emission-certified alternative fuel engine may be eligible for funding as off-road equipment with similar modes of operation as on-road vehicles on a case-by-case basis. Other equipment may be eligible for funding on a case-by-case basis. These repowers must meet all other applicable project criteria.
- Applicants must provide their DOORS Fleet Compliance Snapshot.
- Applicants must provide the DOORS EIN for each vehicle for which funding is requested.
- Applicants must provide proof they have owned each vehicle for which funding is requested for a replacement vehicle for at least two years.
- Applicants must provide a current Compliance Plan using the South Coast AQMD fleet calculator or the DOORS calculator demonstrating compliance with the off-road regulation throughout the anticipated contract period.
- Applicants must provide at least the most recent two (2) years of hour-meter readings. Potential projects that fall outside of these criteria may be considered on a case-by-case basis if evidence provided to the air district suggests potential surplus, real, quantifiable and enforceable emission reduction benefits.

## MAXIMUM ELIGIBLE FUNDING

The maximum eligible funding amount and project life for each SOON project type is summarized below.

Project	Maximum Funding	Maximum Project Life
Replacement	80% of vehicle/equipment cost	Five years, except: (three years max. for excavators, skid steer loaders, and rough terrain forklifts)
Repower	85% of engine cost plus parts and labor necessary for installation	Seven years

A shorter project life will be considered on a case-by-case basis and may be required by the CMP Guidelines for specific types of equipment. Shorter project life may affect the project's ranking relative to other projects and the amount of funding that can be provided.

## COST-EFFECTIVENESS EVALUATION DISCUSSION

The SOON Program is required to meet the requirements of the CMP by using the cost-effectiveness calculation methodology found in Appendix C of the CMP Guidelines (see <http://www.arb.ca.gov/msprog/soon/guidelines/current.htm>). Under the SOON Program, only NOx emission reductions will be taken into consideration to calculate the cost-effectiveness.

## REPORTING AND MONITORING

All participants in the SOON Program are required to keep appropriate records during the full contract period. Project life is the number of years used to determine the cost-effectiveness and is equivalent to the contract implementation period. All equipment must operate in the South Coast AQMD for the full project life. The South Coast AQMD shall conduct periodic reviews of each project's operating records to ensure that the engine is operated as stated in the program application. Annual records must contain the following, at a minimum:

- Total Hours of Operation
- Total Hours of Operation in the South Coast Air District
- Annual Maintenance and Repair Information
- DOORS snapshot demonstrating compliance with the Off-Road Regulation

Records must be retained and updated throughout the project life and made available for South Coast AQMD inspection. The South Coast AQMD may conduct periodic reviews of each vehicle/equipment project's operating records to ensure that the vehicle is operated as required by the project requirements.

The equipment owner, if awarded CMP grant funds, will be required to submit annual reports for the life of the project, as described in Section II – Work Statement/Schedule of Deliverables.



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

All applicants that are selected for funding awards must complete the Work Statement and Schedule of Deliverables described below as part of the contracting process. Development of these materials for the initial application is NOT required; however, applicants must sign the online application indicating their understanding of the requirements for submittal of additional project information to finalize a contract.

### **WORK STATEMENT**

The scope of work involves a series of tasks and deliverables that demonstrate compliance with the requirements of the SOON Program as administered by CARB and the South Coast AQMD.

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

- Emission reductions must be real, quantifiable, enforceable and surplus in accordance with CARB and South Coast AQMD guidelines.
- Cost-effectiveness of the project must meet the minimum requirement of the CMP guidelines.
- Project engines or equipment must operate in-service for the full project life.
- Appropriate annual usage records must be kept and reported to South Coast AQMD during the project life (i.e., annual hours of operation).
- A compliance plan that demonstrates compliance with the off-road regulation throughout the contract period must be provided.
- Ensure that the project complies with other local, state and federal programs, and resulting emission reductions from a specific project are not required as a mitigation measure to reduce adverse environmental impacts that are identified in an environmental document prepared in accordance with the California Environmental Quality Act or the National Environmental Policy Act.
- If requested, a contractor must provide a financial statement and bank reference, or other evidence of financial ability to fulfill contract requirements.

### **DELIVERABLES**

The contract will describe how the project will be monitored and what type of information will be included in project progress reports. At a minimum, the South Coast AQMD expects to receive the following:

- An annual report, throughout the project life, which provides the annual hours of operation, where the vehicle(s) or equipment(s) was operated, annual fuel consumption, and operational and maintenance issues encountered and how they were resolved.
- An annual submission of the applicant's DOORS Fleet Compliance Snapshot demonstrating compliance with the off-road regulation.

South Coast AQMD reserves the right to verify the information provided.

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

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

#### **PROJECT COST**

Applicants must provide cost information that specifies the amount of funding requested and the basis for that request by attaching vendor quotes to the application. Applicants need to inform vendors of the time frame of the award process so that they can accurately quote costs based on the anticipated order/purchase date. **Note that no purchase orders may be placed or work performed for projects awarded under this PA until after the date of award approval by the South Coast AQMD Governing Board. Any orders placed or payments made in advance of an executed contract with the South Coast AQMD are done at the risk of the applicant. The South Coast AQMD has no obligation to fund the project until a contract is fully executed by both parties.**

**The SOON Program funds only the differential cost between existing technology and zero or lower-emissions technology.** The proposed zero or lower-emissions technology must be CARB-certified in most cases. Non-CARB certified engines requiring an experimental permit from CARB may be considered, but the project will require special CARB approval. Proposals will be ranked by cost-effectiveness on a vehicle/equipment-by-vehicle/equipment basis. The cost-effectiveness limit has been established at \$33,000/ton of NOx emissions reduced for projects that bring diesel engines to the current standard and \$500,000/ton of NOx emissions reduced for projects beyond current standards such as zero-emission. The cost-effectiveness level used for the selection of projects may be lower depending on the demand for program funds. No fueling infrastructure, administrative or operational costs will be funded. Cost-effectiveness may vary depending on CARB review.

All project costs must be clearly indicated in the application. In addition, applicants must include any sources of co-funding and the amount of each co-funding source in the application.

**Applicants should be aware that the project life used in calculating the NOx emissions reductions will be used to determine the length of their annual reporting obligation and the length of their contract. For example, if a seven-year project life is used for the NOx emissions reduction calculation, then the applicant will be required to operate and track activity for the funded-vehicle/equipment for the full seven years.**

#### **PROPOSAL SUBMISSION**

All online applications must be submitted according to specifications set forth herein. Failure to adhere to these specifications may be cause for rejection of the application without evaluation.

**ALL APPLICATIONS MUST BE RECEIVED VIA SOUTH COAST AQMD'S  
CARL MOYER GRANT MANAGEMENT SYSTEM (GMS)  
NO LATER THAN 1:00 P.M. ON TUESDAY, MAY 9, 2023**

**TO APPLY ONLINE, PLEASE VISIT**

**[www.aqmd.gov/soon](http://www.aqmd.gov/soon)**

### Grounds for Rejection:

An application may be immediately rejected if the application:

- Does not include correct documentation and other forms required.
- Is not signed by an individual authorized to represent the firm.

### Certifications and Representations

Contained in this PA are six business forms, which must also be completed and submitted with the application.

### Compliance Plan

Projects funded by SOON monies must result in NO<sub>x</sub> emissions reductions that are surplus to those that would be realized by fleets complying with the base rule. Fleets are required to submit a compliance plan in electronic format to demonstrate how they comply with both the base rule as well as the SOON provision of the rule. Fleet owners, at a minimum, must provide the following information for each year for the anticipated contract period:

- A vehicle list which includes, but is not limited to, vehicle type, manufacturer, model, model year, and whether the equipment is included in the base or SOON fleet for each piece of equipment in the fleet.
- Information including, but not limited to, calculations, fleet information, etc., showing compliance with the base rule fleet target levels or compliance with the BACT turnover and retrofit requirements. Either the CARB calculator (individual tabs for each future year) or the Excel SOON fleet calculator spreadsheet may be used.
- Information including, but not limited to, calculations, fleet information, etc., showing whether the vehicles funded by the SOON program are in compliance with the SOON NO<sub>x</sub> fleet average target levels.

SOON Compliance Plan documents and the Microsoft Excel SOON fleet calculator can be downloaded at the South Coast AQMD SOON website: [www.aqmd.gov/soon](http://www.aqmd.gov/soon). CARB's Fleet Average Calculators can be downloaded at the CARB website: <https://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>.

### Methods of Delivery:

The proposer must submit the application using the South Coast AQMD online system (known as the Carl Moyer Grant Management System,(GMS)), available at [www.aqmd.gov/soon](http://www.aqmd.gov/soon). The GMS will allow applicants to submit their application electronically to the South Coast AQMD prior to the date and time specified below. Also, South Coast AQMD "Business Information Forms" requiring signatures will be available on the GMS and are required to be uploaded prior to the date and time below. A tutorial of the GMS system will be provided in early 2023 – please visit [www.aqmd.gov/soon](http://www.aqmd.gov/soon).

### Disposition of Proposals

The South Coast AQMD reserves the right to reject any or all proposals. All responses become the property of the South Coast AQMD. 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.

### Modification or Withdrawal

Once submitted, proposals cannot be altered without the prior written consent of South Coast AQMD.

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

South Coast AQMD staff will evaluate all submitted proposals and make recommendations to the South Coast AQMD Governing Board for final selection of project(s) to be funded. Proposals will be evaluated based on the 2017 CMP Guidelines, including verification that the project meets the NOx cost-effectiveness limit(s) for this program. The cost-effectiveness determination will be done on an equipment-by-equipment basis.

The evaluation will determine the ranking for each project based on the cost-effectiveness of NOx emissions reduced. Please note that depending upon the number of online applications received in response to this PA, South Coast AQMD may prioritize the selection of projects to reduce emissions in and around DAC and low-income communities located within the SCAB. While South Coast AQMD encourages all eligible applications, this means that some projects may not be selected based on their domicile address, regardless of their cost-effectiveness ranking.

At least 50 percent of the CMP funds must be used for projects that are located and operated within a disadvantaged and/or low-income community. South Coast AQMD uses the following method to meet these requirements.

1. All projects must meet the criteria in the 2017 CMP Guidelines and the cost-effectiveness limit of \$33,000 per ton of NOx emissions reduced (for projects bringing diesel engines to current standard) and \$500,000/ton of NOx emissions reduced (for project beyond current standards such as zero-emission). Cost-effectiveness may vary depending on CARB review.
2. Each project's domiciled address will be used to determine if the project is located within a disadvantaged or low-income community. The CalEnviroScreen 4.0 tool will be used by South Coast AQMD to determine if a project is located within a DAC and/or low-income community. This tool is available at:  
<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>
3. Projects that are not domiciled within a DAC and/or low-income community may still be considered if the application documentation shows that the vehicle/equipment was operated a majority of time in a DAC and/or low-income community.

All other projects will be ranked according to NOx cost-effectiveness, with the most cost-effective projects considered first and then in descending order for each funding category until the remainder of the funds are exhausted.

Be aware that there is a possibility that due to program priorities, cost-effectiveness or funding category limitations (i.e., caps), project applicants may be offered only partial funding, and not all applications that meet the cost-effectiveness criteria may be funded.

**SECTION V: PAYMENT TERMS**

For all projects, payment will be made upon installation and commencement of operation of the funded equipment for 85% of the submitted repower invoice (80% of the submitted replacement invoice) or the contract maximum amount, whichever is less.

**SECTION VI: LEGAL UPDATES AND DEFINITIONS****STATEMENT OF COMPLIANCE**

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

**COMPLIANCE WITH APPLICABLE LAWS**

Applicants must comply with all federal, state, and local laws, ordinances, codes and regulations. If the application is eligible for funding, all vehicles and/or equipment to be purchased or installed must be compliant with all applicable federal, state, and local air quality rules and regulations, and will maintain compliance for the full Contract term.

**CONFLICT OF INTEREST**

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

**COMPLIANCE WITH LABOR LAWS**

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

**ECONOMIC SANCTIONS (RUSSIA/UKRAINE)** On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (EO) regarding sanctions in response to Russian aggression in Ukraine. Applicants who are considered eligible for Carl Moyer Program funds under this Program Announcement and received executed contracts from South Coast AQMD, are obligated to comply with existing economic sanctions imposed by the U.S. government in response to Russia's actions in Ukraine.

## DEFINITIONS

1. Alternative Fuel  
Alternative fuels include compressed natural gas (CNG), liquefied natural gas (LNG), methanol, ethanol, propane (LPG) and electric technologies.
2. Base Rule  
Base rule is defined as the CARB In-Use Off-Road Diesel-Fueled Fleets Regulation without the SOON provisions (Title 13, Division 3, Chapter 9, Article 4.8, Section 2449 and 2449.1). Compliance with the Base Rule is required and is demonstrated by the Diesel Off-Road Online Reporting System (DOORS) Compliance Snapshot.
3. Compliance Plan  
Compliance plan is the future forecast of fleet average emissions using current fleet information and planned future repower, replacement, retirement and retrofit projects. An Excel spreadsheet template is available on the South Coast AQMD SOON webpage.
4. Contract Term  
Contract term is the duration for which the contract is valid. It encompasses both the project completion and project implementation periods.
  - i. Project completion period is the first part of the Contract term starting from the date of Contract execution by both parties to the date the project post-inspection confirms that the project has become operational.
  - ii. Project implementation period is the second part of the Contract term and equals the project life.
5. Cost-Effectiveness Limit  
The cost-effectiveness limit determines the maximum funding that can be provided to an individual equipment repower or replacement project for each ton of emissions reduced. Under the SOON Program the cost-effective is calculated based on tons of NOx reduced per year.
6. Current NOx Standard  
For all engine horsepower categories, the current NOx standard in 2022 is Tier 4 Final.
7. Dual-Fuel Technology  
Dual-fuel technology includes electric hybrid technologies that utilize a combination of either CNG and diesel fuel or LNG and diesel fuel, provided they are certified by CARB. Experimental technologies and fuels will be referred to CARB for evaluation and possible

eligibility in the program.

8. Incremental Cost

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

- i. Repower projects are eligible to receive up to 85%;
- ii. Replacement projects are eligible to receive up to 80%;

9. Project Life

Project life is the period of the contract term during which the repowered or replacement vehicle is operated. The contractor must report the annual usage throughout the project life. In addition, project life is used to calculate the cost-effectiveness and funding amount for a project.

10. Replacement Project

Replacement project is the purchase of a new or used equipment to replace an existing unit. Only new equipment with engines certified to Tier 4 Final, or cleaner, emissions standards are eligible for funding.

11. Repower Project

Repower project is the replacement of an old engine of an existing equipment with a newer engine certified to lower emission standards.

**CONTACT FOR ADDITIONAL INFORMATION**

Questions regarding the content or intent of this PA, procedural matters, sample contract, and the compliance plan worksheet can be found at the at AQMD SOON website (<http://www.aqmd.gov/SOON>), or can be addressed to:

Alyssa Yan  
Science and Technology Advancement  
South Coast AQMD  
21865 Copley Drive  
Diamond Bar, CA 91765  
Phone: (909) 396-2024  
[ayan@aqmd.gov](mailto:ayan@aqmd.gov)



## Agenda Item #3

---

Adopt Resolution Recognizing Funds for FY 2022-23 Carl Moyer Program and Issue Program Announcements for Carl Moyer and SOON Programs

Alyssa Yan

# Background

- Carl Moyer and SOON Programs provide funding for cleaner-than-required heavy-duty engines/equipment
- 25<sup>th</sup> year of implementation supporting deployment of advanced, cleaner technologies and air quality goals



# Proposed FY 2022-23 Carl Moyer Project Categories

Project Category	Examples of Projects Funded
On-Road	<ul style="list-style-type: none"> <li>• Trucks (drayage and other)</li> <li>• Transit buses</li> <li>• Solid waste</li> <li>• Public agency/utility vehicles</li> <li>• Emergency vehicles (e.g., fire apparatus)</li> </ul>
Off-Road	<ul style="list-style-type: none"> <li>• Construction Equipment</li> <li>• Agricultural Equipment</li> <li>• Cargo Handling Equipment</li> <li>• Marine Engine Repower</li> <li>• Locomotive</li> <li>• Ship-Side Shore Power</li> </ul>
Infrastructure	<ul style="list-style-type: none"> <li>• Electric chargers</li> <li>• Alternative fueling stations for zero-emission and near zero-emission vehicles</li> </ul>



# “Year 25” Carl Moyer Program Funding

Source	Tentative Allocations	Amount
CARB	Carl Moyer Project Funds	\$44,037,808
	Administrative Funds (6.25%)	\$2,935,854
South Coast AQMD	Required Local Match (AB 923)	\$7,046,049
	<b>Total</b>	<b>\$54,019,711</b>

Other funding sources may be used:

- Unused Moyer funds from previous years, accrued interest
- Community Air Protection Program (CAPP) incentives, State Reserve and FARMER funds

# Schedule

Event	Date
Issue Carl Moyer and SOON PAs	December 2, 2022
Application Period	January 10 to May 9, 2023
Award Considered by the Board	Fall 2023

Projects will be evaluated based on the 2017 Carl Moyer Program Guidelines (including any subsequent updates or changes) and other applicable funding requirements

# Recommended Actions

---

- Adopt Resolution recognizing up to \$47M from CARB into the Carl Moyer Program SB 1107 Fund (32)
- Issue Program Announcements to solicit projects for the FY 2022-23 “Year 25” Carl Moyer Program and SOON Program

# LITHIUM BATTERY RECYCLING: THE RECELL CENTER IN ARGONNE NATIONAL LABORATORY



## JEFF SPANGENBERGER

Argonne National Laboratory  
Group Lead, Materials Recycling R&D  
Director, The ReCell Center



# THE RECELL CENTER



UC San Diego



## Purpose

- Foster continued improvement of cost-effective, environmentally sound processes to recycle lithium-ion batteries
- Research and develop direct cathode recycling
- Bring together experts from all battery recycling areas and bridge gaps as a team to efficiently address challenges

## Outcome

- Minimize use of limited resources, reduce energy consumption and increase national security
- Provide stability to battery supply chain
- Drive battery pack costs down so everyone can afford an EV

# WHAT IS IN A BATTERY?

## Parts of 100kWh NMC622 Battery

(and how much is in  
an electric vehicle)

### Cathode

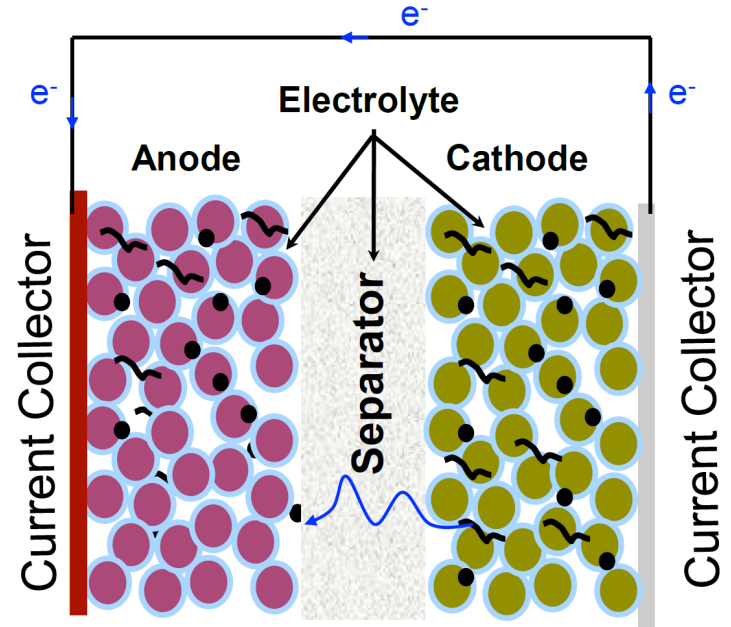
Lithium	23 lbs
Nickel	115 lbs
Cobalt	38 lbs
Manganese	36 lbs
Copper foil	43 lbs

### Anode

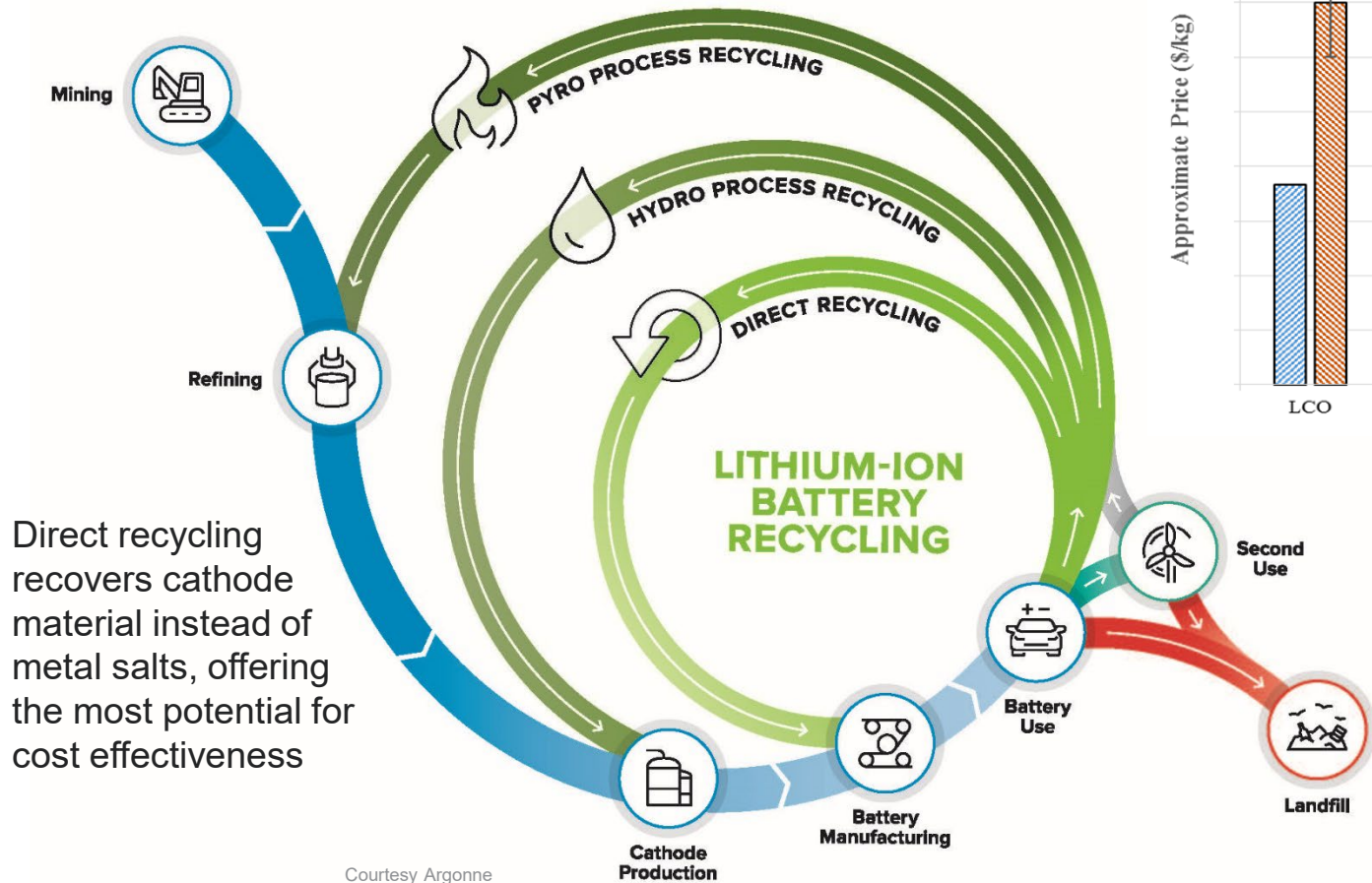
Graphite	189 lbs
Alum. Foil	19 lbs
Electrolyte	79 lbs
Separator	6 lbs
Bal. of pack	554 lbs

---

**TOTAL 1102 lbs**

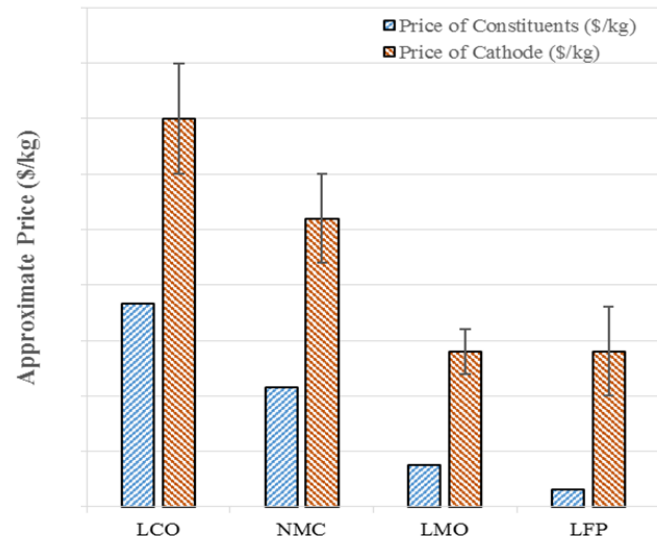


# DIRECT RECYCLING



Direct recycling recovers cathode material instead of metal salts, offering the most potential for cost effectiveness

Courtesy Argonne



# WE CAN RECYCLE TODAY!

- Most feed material is currently manufacturing scrap and consumer batteries
- Products are metal salts that can be used to make new batteries
- Economics can be challenging



Hydrometallurgical



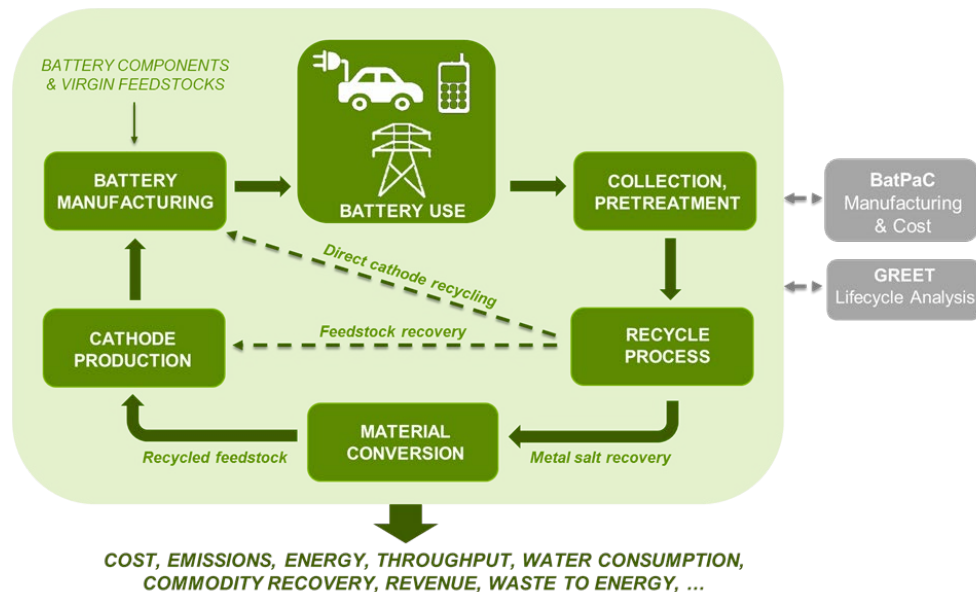
Pyrometallurgical

# EverBatt: EverBatt as Battery Recycling Process and Supply Chain Model

The model is a tool that helps compare cost and environmental impacts within, and among, each life-cycle stage of a battery and can be used to inform decision making

## Example functions:

- Process flow optimization
- Pinpoint process and supply chain hotspots
- Identify opportunities for improvement
- Identify barriers to commercialization
- Provide holistic picture of battery sustainability over its life cycle



Available for download at:  
<https://www.anl.gov/amd/everbatt>



ReCell

ADVANCED  
BATTERY RECYCLING

U.S. DEPARTMENT OF  
**ENERGY**

Energy Efficiency &  
Renewable Energy

VEHICLE TECHNOLOGIES OFFICE

Website: [www.recellcenter.org](http://www.recellcenter.org)