**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

**REQUEST FOR PROPOSALS (RFPs)**

**Air Pollution Control Projects That Reduce/Mitigate Emissions/Toxic Exposure**

**P2018-06**

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

## PURPOSE

The purpose of this RFP is to solicit proposals for emission reduction projects within the geographical boundaries of the SCAQMD.[1] However, Bidders do not have to be headquartered in the SCAQMD. These projects will be financed in whole or part by one or more SCAQMD Special Revenue Funds, established for reduction or mitigation of emissions in the jurisdiction of the SCAQMD. Monies in the applicable Special Revenue Funds are from various sources such as, settlement agreements, mitigation fees, set-aside accounts and grant or subvention programs.

To qualify for this program, projects must demonstrate real emission reductions or develop new technologies and comply with any applicable restrictions. However, there is no restriction on the types of projects, process or methodology. Some historical examples of potential projects are listed below, but any project that leads to actual emission reductions/mitigation and does not violate any applicable Fund restrictions will be considered:

- School bus retrofit or replacement (e.g., electric)
- Heavy duty diesel truck replacement
- Agricultural diesel engine (mobile & non-mobile) replacement, and fugitive dust control for fields and roads (i.e. street sweeping, soil stabilization)
- Truck stop electrification
- Weatherizing buildings and homes
- Renewable power generation at public buildings
- Renewable distributed power
- Infrastructure improvements
  - Paving of parking lots or unpaved roads
  - Parkway/pathway construction to reduce congestion & promote walking, bicycling and/or near-zero or zero emission vehicles
  - Electric charging, CNG, or hydrogen refueling stations

*1 Riverside county portion of the Salton Sea Air Basin (SSAB) or the South Coast Air Basin (SCAB) but specifically as defined pursuant to California Code of Regulations, Section 60104, Title 17. Also, see map in this RFP.*

In addition to these projects, some examples of potential future projects might include the following:

- Development and demonstration of lower emitting and zero-emission on-road and off-road technologies, including locomotives, ocean going vessels, heavy-duty trucks, and supporting infrastructure
- Replacing existing diesel backup generators to battery storage (with or without solar charging) or fuel cells
- Converting industrial or commercial stationary or emergency engines to zero or near-zero emission technologies (e.g., Tier 4 or higher, fuel cell, biofuel control equipment) by retrofitting equipment
- Converting commercial or industrial turbines to zero or near-zero technologies
- Replacing ovens, furnaces, or kilns with cleaner technologies
- Replacing cooking equipment with cleaner technologies (including residential), or control equipment for PM 2.5 emissions from underfired restaurant charbroilers using multi-stage filtering, such as HEPA/carbon filters
- Cleaning and routing biogas to pipelines for use as transportation fuel (infrastructure), or for sale to SoCal Gas for use as a fuel (pipeline injection)
- Diversion of waste streams to be cleaned or processed
- Directing waste gas to micro-turbines or boilers to provide power or heat to a facility
- Diverting oil field gas from flaring to fuel cells or micro-turbines to provide power to a facility
- Bio-fuel technology development and deployment for fleets and residential fueling
- Landfill gas handling projects (UCLA-Mountaingate)
- Installation of additional control equipment otherwise not mandated
- High efficiency/low NOx water heaters
- Commercial and industrial space heating furnaces and other heating and drying equipment with ultra-low NOx burner technology development
- Early retirement of older boilers, water heaters and space heaters
- Installation of electric water and space heaters powered by renewable energy sources
- Adoption of electric powered lawn and garden equipment
- Replacement of compliant commercial water heaters and small boilers with solar thermal heat pump or electric fuel cell
- Installation of air to air, or ground to air heat pump water heaters
- Residential solar panel installations with corresponding electric appliances
- Older swimming pool heaters replaced with new units
- Formulation or use of applications with lower VOC content (e.g., water-based products, energy-cured materials that do not require afterburners)
- Commercial/residential energy efficiency programs
- HVAC, weatherization, smart grid, appliances, pool covers, etc.

- Mitigation at indirect sources with, for example, clean vehicles/fleets, zero or near zero off-road equipment or solar panels
- Programs reducing exposure especially near highways and near larger point or toxics sources
- Projects reducing VOC and Ammonia emissions from green waste composting operations

## FUNDING/AWARDS

The projects selected for this RFP program will be funded by one or more SCAQMD Special Revenue Funds, established for mitigation of emissions in the jurisdiction of the SCAQMD. Applicants are not required to specify a particular fund or funds as a source of funding for their proposal.

Projects may qualify for funds[2] from one, or more of the following emission reduction funding categories, as shown in Table 1:

*2 Minimum fund balances as of the release date of this RFP. Funding for any specific project is contingent on the availability of funds, and fund balances may fluctuate as projects are funded or de-funded.*

Table 1 – RFP Funding Sources by Fund #

| **Fund #** | Fund Description: | Fund Category: | **Project** Funding Restricted To* | Currently Estimated Fund Balance **($)** |
|---|---|---|---|---|
| **20** | Air Quality Assistance | Incentive Program | Small Business Assistance | 1,590,230 |
| **27** | AQIP Prefunding | Mitigation Projects | NOx mitigation | 99,503 |
| **27** | Rule 1110.2 | Mitigation Projects | NOx mitigation | 227,065 |
| **27** | Rule 1121 | Mitigation Projects | NOx mitigation | 2,385,065 |
| **27** | EO Mitigation | Mitigation Projects | NOx mitigation | 11,428,260 |
| **27** | Rule 1111 | Mitigation Projects | NOx mitigation | 15,025,150 |
| **35** | AES Settlement | Settlement Projects | n/a | 554,469 |
| **36** | Rule 1309.1 Priority Reserve | Mitigation Projects | Offsetting PM 10 emissions | 3,732,020 |
| **37** | CARB ERC Bank | Mitigation Projects | Emission reductions in the vicinity of new or expanded Peaker plants | 596,141 |
| **38** | LADWP Settlement | Settlement Projects | n/a | 397,266 |
| **41** | State Backup Generator Program | Mitigation Projects | Reduction in toxics exposure and NOx emissions | 354,590 |
| **44** | Rule 1173 Mitigation Fee | Mitigation Projects | Reduction of VOC emissions in proximity of refineries and chemical plants | 3,322,166 |
| **45** | CBE/OCE Settlement | Settlement Projects | NOx / PM10 mitigation | 223,320 |
| **54** | Rule 1118 Mitigation | Mitigation Projects | Offsetting refinery flare emissions only | 18,931,843 |
| **62** | Rule 1470 Risk Reduction Fund | Mitigation Projects | Installation of control equipment on new Emergency Stand-by Engines at public facilities in compliance with Rule 1470 | 2,454,935 |
| | | | | **$61,322,023** |

* Can include other additional co-pollutant or GHG emissions mitigation/reduction

Additional Guidance on Funding Categories:

- While there is no restriction on the type of project proposed, each category, requires that a certain pollutant type be mitigated or controlled or other restriction as noted in Table 1 above. A project or proposal with co-contaminant reduction benefits would have benefits exceeding a similar project without co-contaminant reduction benefits.

- Similarly, a project that seeks partnership funding (i.e. a project that needs only partial funding from the SCAQMD to cover incremental costs) would have benefits exceeding a similar project that requires full funding from the SCAQMD.
- A project or proposal that qualifies for funding from more than one Fund, may be funded from a combination of all such Funds. For example, a NOx reduction project that is in the vicinity of a new/expanded Peaker plant may qualify for funding from Fund 37 or funding from Fund 27, or both. Similarly, if a project is for example specifically mitigating both NOx and PM emissions (beyond a co-contaminant reduction benefit) it may qualify for funds from both the NOx and PM categories.
- Proposed projects do not have to be implemented in the South Coast Air Basin (SCAB) as long as the outcome of the project benefits the SCAB (e.g., development of low-emissions bus technology). Note that such proposals might not receive points in categories such as "Job creation within the jurisdiction of the SCAQMD".
- Applicants will be expected to enter into a "Fixed Price" contract with SCAQMD for specific tasks to implement the emission reduction project. Payments will be based upon task deliverables.
- Project or proposal will be subject to extraneous costs such as outreach, administration, etc.

The applicant should specify all the criteria that qualifies the project for consideration. Criteria that have historically been deemed desirable include:

- Cost-effectiveness (such that the project is designed to reduce more emissions per dollar than other proposed projects for a given pollutant).
- Quantifiable contribution to the reduction of emissions, or public exposure, including pollution prevention, in an EJ Area and/or disadvantaged community[3], or in close proximity to a sensitive receptor (i.e. schools, hospitals, daycare, senior care, etc.)
- Projects that result in early compliance of key sources, rules or regulations or advance the level of technology within an industry.

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[3] *The SCAQMD defines EJ as "...equitable environmental policymaking and enforcement to protect the health of all residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution." Most recently, Rule 1304.1 Implementation Guidelines as approved by the Governing Board define a geographical EJ area (consistent with the latest Carl Moyer definition for South Coast Air Basin (SCAB) and the AB 1318 definition for the Coachella Valley, which include poverty and air quality criteria that must both be met) as:*

*Poverty Criteria*

*An area where at least 10 percent of the population falls below the Federal Poverty Level, based on the most recently published American Community Survey data,* ***AND***

*Air Quality Criteria*

*In the SCAB*

*(A) the highest 15th percentile of PM2.5 concentration measurements interpolated to a two (2) kilometer grid of the most recently published final Multiple Air Toxics Emissions Study (MATES) modeling domain;* ***OR***

*(B) the highest 15th percentile of cancer risk as calculated in the most recently published final MATES.*

*In the Coachella Valley (CV)*

*The highest 15th percentile of PM10 concentration in CV[3].*

*Disadvantaged community definitions maybe based on Cal-Enviro Screen data or any other similar definition or dataset. However, the Governing Board would have full discretion in selecting any project that it deems best addresses any EJ issue.*

As part of this RFP proposal, bidders are asked to provide the following information, as applicable:

- Detailed description of the project
- Type of emissions reduced/mitigated or reduction in toxics exposure (e.g., NOx, VOC, Toxics, etc.)
- Estimated total amount of emissions reduction or mitigation, including prevention, or exposure reduction where applicable
- Timeline detailing incremental as well as full emissions reduction attainment and project completion, including any applicable annual efforts
- Estimated total cost of the project and cost effectiveness value
- Proximity of project to an EJ area
- Benefits to an EJ area
- Proximity of project to a specific point source (e.g., refinery, power plant, etc.)
- An innovative air pollution control technology component with a high potential for commercialization
- Economic/Industrial sector, community, or political support

Final approval of projects for funding is at the sole discretion of the SCAQMD Governing Board. If funding of projects based on a specific criteria (e.g., within close proximity to a specific point source or in specific EJ Areas) are oversubscribed, it is anticipated that these projects will be ranked based on their overall merits in reducing air pollution and their submittal date and considered for future funding and implementation. Future implementation will depend on the level of continued funding and any restrictions.

**<u>INDEX</u> - The following are contained in this RFP:**


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## SECTION I: <u>BACKGROUND/INFORMATION</u>

The SCAQMD is a regional governmental agency responsible for meeting air quality health standards in Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, encompassing 10,743 square miles with over 16.5 million residents.

Despite remarkable improvement in air quality since the 1970's, the air in Southern California is still among the worst in the nation and is far from meeting all federal and state air quality standards. The SCAQMD faces tremendous challenges to reduce emissions to meet these standards throughout its jurisdiction. The 2016 Air Quality Management Plan (Plan) is a regional blueprint for achieving the federal air quality standards and healthful air.

Pursuant to the authority granted by law, the SCAQMD Governing Board approved the adoption of incentive programs in the Plan to meet federal and state air quality goals. Incentive programs have been shown to accelerate up the replacement of older high polluting equipment such as boilers, water heaters and space heaters, with deployment of newer and more efficient low NOx boilers, water heaters and space heaters, and/or "green technologies" such as solar heating or electric heat pumps.

Following on the successes of previous incentive programs, the Plan contains several proposed incentive based control measures that could be pursued to control NOx and other categories of emissions. Control measure CMB-01 (Transition to Zero and Near-Zero Emission Technologies for Stationary Sources) stipulates that by December 2023, 2.5 and 1.2 tpd of reductions in NOx and VOC emissions, respectively, from the 2023 summer planning inventory and by December 2031, 6 and 2.8 tpd of reductions in NOx and VOC emissions, respectively, from the 2031 summer planning inventory in the 2016 AQMP are to be obtained. The goal is to replace older, high-emitting equipment from traditional combustion sources (such as diesel back-up generators) with new, lower or zero-emitting equipment. Reductions of NOx emissions from traditional combustion sources can be obtained by incentivizing replacement of old equipment with zero and near-zero emission technologies including low NOx emitting equipment, electrification, battery storage, alternative process changes, efficiency measures, or fuel cells. Replacing older higher-emitting equipment with newer lower or zero-emitting equipment can apply to a single source or an entire facility. These sources include, but are not limited to, engines, turbines, micro-turbines, and boilers that generate power for electricity for distributed generation, facility power, process heating, and/or steam production. Another type of combustion source identified for equipment replacement includes ovens, kilns, and furnaces. New businesses can be incentivized to install and operate zero-emission equipment, control equipment, technology and processes beyond the current BACT requirements. One example is the use of energy-curing technologies including ultraviolet light (UV), electron beam (EB), heat and light emitting diode (LED) cured coatings. Fuel cells are also an alternative to traditional combustion methods, resulting in a reduction of NOx emissions with the co-benefit of reducing other criteria air pollutants and GHGs. Incentives may be used to effect alternative process changes, such as biogas cleanup. This would help modernize a facility towards zero and near-zero technologies. Other potential projects could include energy storage systems and smart grid control technologies that provide a flexible and dispatchable resource with zero emissions. Grid based storage systems can replace the need for new peaking generation, be coupled with renewable energy generation, and reduce the need for additional energy infrastructure. Additionally, mechanisms for incentivizing businesses to choose the cleanest technologies as they replace equipment and upgrade facilities, by providing incentives to encourage businesses to move into these zero and near-zero emission technologies sooner.

The Governing Board has also committed to control measure CMB-02[4] (Emission Reductions from Replacement With Zero or Near-Zero NOx Appliances in Commercial and Residential Applications) of the Plan to be achieved by December 2023 and December 2031, respectively 1.1 and 2.84 tpd of reductions in NOx emissions, from the 2023 and 2031 summer planning inventory in the 2016 AQMP. These reductions are to be achieved through the replacement of 82,000 - 152,000 commercial boilers, water heaters, and residential pool heaters in accordance with the incentive program guidelines. Projects should be designed to expedite the replacement of unregulated or older boilers, water heaters, and space heating furnaces and other natural gas or liquefied petroleum gas (LPG) equipment with zero emitting or lower NOx technologies.

Control measure CMB-04 (Emission Reductions From Restaurant Burners and Residential Cooking) seeks to reduce emissions from retail restaurants and quick service establishments utilizing commercial cooking ovens, ranges and charbroilers by funding development of, promoting and incentivizing the use and installation of low-NOx burner technologies.

Control measure ECC-02 calls for project proposals that would fulfill the state's energy efficiency goals that also result in co-benefits of controlling or mitigating 0.3 tpd NOx and 0.07 tpd VOC emissions by 2023 and 1.1 tpd NOx and 0.29 tpd VOC emissions by 2023. Projects proposals would focus on existing residential and commercial building energy efficiency measures.

Control measure ECC-03 calls for project proposals that would go beyond the state's energy efficiency goals that seek to result in co-benefits of controlling or mitigating 1.2 tpd NOx and 0.2 tpd VOC emissions by 2023 and 2.1 tpd NOx and 0.3 tpd VOC emissions by 2023. Projects proposals would focus on additional enhancements in reducing existing residential building energy use.

Projects implementing control measures must adhere with the incentive program guidelines by demonstrating emission reductions that are proven to be real, quantifiable (can be reliably measured or determined and replicated), surplus (beyond existing regulation), enforceable, and permanent (minimum project lifetime through calendar year 2023) in order to be counted towards controls for the U.S. EPA to approve such reductions as creditable emission reductions in the SIP. Staff is seeking to report to the SCAQMD Governing Board within one year of the adoption of the 2016 AQMP (on or before March 3, 2018) regarding the results of the reviews and assessments, including recommendations and schedules consistent with 2016 AQMP commitments, for rulemaking that maximizes emissions reductions from zero-emission technologies where cost-effective and feasible, and near-zero emission technologies in other applications. Every feasible stationary source control measure will be considered with a focus on an expeditious adoption and implementation schedule.

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[4] *The measure calls for a priority on maximizing emission reductions utilizing zero-emission technologies in all applications that are shown to be cost-effective and feasible. In assessing the cost-effectiveness of these technologies, full life-cycle in-Basin emissions related to energy and fuel production and transmission pathways should be considered, along with GHG emissions, toxic impacts, and anticipated future changes to the energy portfolio in the Basin. Incentive funding may be directed to manufacturers, distributors, sellers, installers and purchasers of commercial and residential appliances and equipment.*

## SECTION II: CONTACT PERSON:

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

Mr. Michael Krause**
Planning and Rules Manager
Planning, Rule Development and Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Tel: (909) 396-2706
Fax: (909) 396-3324
E-mail: mkrause@aqmd.gov

**Please note: All interested parties in this RFP P2018-06, including potential bidders and those seeking to join a bidding team, are encouraged to periodically visit the SCAQMD web-site, http://www.aqmd.gov/grants-bids. Clarifications will be provided to frequently asked questions.

## SECTION III: PLANNED SCHEDULE OF EVENTS

| Date | Event |
|---|---|
| Dec. 8, 2017 | Administrative Committee Approval |
| Jan. 5, 2018 | Governing Board Approval of RFP |
| Jan 5, 2018 | RFP Released |
| Jan. 24, 2018 | Bidder's Conference* |
| TBD | Community Meetings (1 per county w/2 in LA) |
| Apr. 11, 2018 | Initial Round of Proposals Due to SCAQMD - **No Later Than 5:00 pm** |
| Summer 2018 | Recommendations to Administrative Committee |
| Fall 2018 | Recommendation to Governing Board |

Additional rounds of requests for proposals may be announced, as required, similar to the schedule above, if funds are available.

*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 held in Room CC6 at SCAQMD Headquarters in Diamond Bar, California at 9:00 am to 11:00 am on Wednesday, January 24, 2018. Please contact Mr. Michael Krause at (909) 396-2706 by close of business on Friday, January 19, 2018 if you plan to attend.

## SECTION IV: PARTICIPATION IN THE PROCUREMENT PROCESS

It is the policy of SCAQMD 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 SCAQMD contracts. Attachment A to this RFP contains definitions and further information.

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

### A. Statement of Work

The purpose of the RFP is to solicit proposals for emission reduction projects in the jurisdiction of the SCAQMD. Proposals should address concisely the information requested below in their statement of work in the format specified in Section VII Proposal Submittal Requirements. Proposers are encouraged to pay close attention to Section IX Proposal Evaluation/Contractor Selection Criteria to assess how their bids will be evaluated. Each bid will be evaluated separately. Information provided should be specific enough for evaluation and scoring purposes, and for inclusion into a contract.

In the statement of work, the Proposer must demonstrate that the project will result in emission reductions. The Proposer must state the location of the project and whether funds are being requested for use in an EJ area, in close proximity to a point source or other project with significant actual or potential emissions, or a combination thereof (include fractions of each). The most competitive project will effectively address the following elements:

- Demonstration of experience and expertise, or other evidence of capacity to complete the project, in the development and implementation of the emission reduction project.
- Complete description of the emission reduction project as well as the potential emission reductions and public health benefits resulting from the project.
- The timeline for implementation of the emission reduction project, including major tasks and milestones.
- How the project meets or further advances the SCAQMD's regional air quality attainment and public health protection goals.
- Demonstration of effective use of the funds requested, including but not limited to magnitude of emission reductions, job creation, promoting needed long-term emission reduction strategies, public health benefits, secondary benefits (other than jobs), consistency with sub-regional sustainable development activities, or cost-sharing/partnership opportunities. A breakdown of costs per task or milestone over the course of the project should be included.
- Support from the local and/or regional community for the project, such as letters of support or other correspondence.

### B. Reporting

Contractor shall supply the following reports to the SCAQMD under the contract agreements. Each submitted report shall be stapled, not bound, printed in black ink, double-sided type, on an 8-1/2 by 11 inch page, and shall include camera-ready originals.

2. Informal updates of program progress to the SCAQMD's Program Manager at least once every month throughout the proposed project. If there is any failure or delay to meeting the emission reduction project objectives or timeline, proponents shall schedule an immediate meeting with SCAQMD's Project Manager.

3. Two stapled copies of each quarterly progress report due by the 10th day of each month following the reporting period. Contractor shall submit one copy of each progress report to SCAQMD's Project Manager and one copy to SCAQMD's Staff Specialist assigned to

contracts, in conjunction with the invoice for the same period. Each progress report shall include, but not be limited to,

a. Reference to SCAQMD contract number and title of project.

b. Reporting time period (months, year).

c. Description of work completed during the reporting period, including a discussion of problems encountered and how those problems were resolved; and other relevant activities.

d. Summary of relevant data and results for each task.

e. Discussion of work planned for the next reporting period.

f. Discussion of project status with respect to time schedule and steps being taken to resolve any delays.

g. Discussion of cost status with respect to original budget, work completed, costs to date, explanation of any overruns, and steps being taken to bring costs back into line.

4. Two bound copies of the draft Final Report regarding completion of the emission reduction project for review, comment, and approval shall be submitted not later than two months after the completion of the proposed project. Contractor shall submit one copy of the draft final report to SCAQMD's Project Manager and one copy to SCAQMD's Technology Advancement Staff Specialist assigned to contracts. This document shall be considered in the public domain, in conformance with the California Public Records Act (Government Code Section 6250 et seq.). The draft Final Report shall include, but not be limited to, the following:

   a. Reference to SCAQMD contract number and title of project.
   b. Project background and objectives.
   c. An executive summary up to three pages in length, including a short, definitive statement of the project; objective of the project, description of work performed, resulting emission/exposure reduction, and reference to SCAQMD Rules if applicable.
   d. A detailed description of the statement of work.
   e. Summary of all work completed.
   f. Results - a discussion of the expected project results versus what was actually achieved.
   g. Problems - a discussion of any significant problems encountered during the contract and how they were resolved.
   h. Remaining issues – a discussion of any project components that may require follow-up beyond the project period.

5. Contractor shall submit three stapled originals of the final report to SCAQMD's Staff Specialist assigned to contracts, incorporating the SCAQMD's comments, no later than three months after the completion of the proposed project. The final report shall also include acknowledgement of all sponsors and participants in the project. This document shall be considered in the public domain, in conformance with the California Public Records Act (Government Code Section 6250 et seq.).

6. Contractor shall submit a 2-page project synopsis, along with the final report. In addition to a hard copy of this synopsis, Contractor shall provide the synopsis in an electronic version, using Microsoft WORD 97 or compatible version.

## SECTION VI: REQUIRED QUALIFICATIONS

A. Organizations, individuals, technology manufacturers, businesses, government agencies, universities, consultants, or any other entities proposing to bid on this proposal must demonstrate a wide range of knowledge and experience, or other evidence of capacity to implement the proposed emission reduction project.

B. Proposer must submit the following:

1. Statement of qualifications of the lead person and key persons assigned to the project. Substitution of project manager or lead person will not be permitted without prior written approval by SCAQMD.

2. List all key personnel assigned to the project by level, and name, and include qualifications. Specify the estimated time to be spent by the lead person and key persons assigned to the project.

3. List specific portion of the project to be subcontracted. Include all subcontractors and their statement of qualification.

4. Summary of major similar projects handled during the last five years demonstrating experience in the project areas with references.

5. Signed letters of commitment by any proposed project partners along with a description of their level of involvement and any co-funding contributions.

## 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. SCAQMD 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 SCAQMD.

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 as specified in Section V – Work Statement/Schedule of Deliverables, the sequence of activities, and a description of methodology or techniques to be used.

Project Description (Section B)
This section shall provide a comprehensive description of the proposed emission reduction project, including technical details and specifications. The description shall include, but not be limited to, the following topics:

1. Complete description of the proposed project;
2. Descriptions of the technologies and methods to be implemented;
3. Projected emission or exposure reductions and secondary benefits (such as additional public health benefits, energy efficiency improvements, improving traffic congestion, long-term infrastructure improvements, community development, etc.); and
4. Estimated job creation resulting from the project in the SCAQMD.

Statement of Work (Section C) – This section shall describe technical and operational approach to implement the emission reduction project including the elements specified in the Statement of Work in Section V.

Program Schedule (Section D) - Provide projected milestones or benchmarks for completing the project (to include reports) within the total time allowed. Specifically, this section should include:

1. An overall time schedule;

2. A list of significant milestones, project deliverables, and the projected calendar delivery dates of each. Milestones include project kickoff meetings, task start and completion dates, design documents, demonstration and test plans, progress reports, interim reports, draft and final reports, and project review meetings.

Project Organization (Section E) - 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 F) - 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 G) - 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 SCAQMD.

2. Provide a spreadsheet of the labor hours proposed for each labor category at the task level.

3. Provide a statement indicating whether or not 90% of the work will be performed within the geographical boundaries of SCAQMD. Provide a statement indicating whether the project qualifies or partially qualifies for the EJ area funding.

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 H) - 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 I) - Address possible conflicts of interest with other clients affected by actions performed by the Firm on behalf of SCAQMD. SCAQMD 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, SCAQMD reserves the right to consider the nature and extent of such work in evaluating the proposal.

Additional Data (Section J) - 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 – SCAQMD 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. Supplies, Hardware, Equipment - Provide an itemized list of supplies, hardware, and equipment to be used or purchased (the name, number, and cost of each).

   C. Subcontractor Costs - List subcontractor costs and identify subcontractors by name. Itemize subcontractor charges per hour or per day.

   D. 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.

   E. 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.

   F. Payment Schedule – Using the project schedule submitted under Section B of the Technical Proposal (Volume I), provide a proposed payment schedule tied to specific deliverables by task.

2. It is the policy of the SCAQMD to receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services. SCAQMD will give preference, where appropriate, to vendors who certify that they will provide "most favored customer" status to the SCAQMD. To receive preference points, Proposer shall certify that SCAQMD is receiving "most favored customer" pricing in the Business Status Certifications page of Volume III, Attachment B – Certifications and Representations.

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

## SECTION VIII: PROPOSAL SUBMISSION

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

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

Due Date - **All proposals are due no later than 5:00 p.m., April 11, 2018, 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 five (5) 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 P2018-06."

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

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

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

Modification or Withdrawal - Once submitted, proposals cannot be altered without the prior written consent of SCAQMD. 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 SCAQMD 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 SCAQMD 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.

C. The Proposer must demonstrate that the project will result in emission reductions in order to be eligible for funding. The Proposer must state the location of the project and whether funds are being requested for use in an EJ area, proximity to a point source or other project with significant actual or potential emissions, or any combination thereof (include fractions of the project in each area).

1. Project Evaluation Criteria

| | Points |
|---|---|
| ✓ Aids in achievement of SCAQMD's regional air quality goals (e.g., emission reduction, new technology, and infrastructure projects) | 35 |
| ✓ Experience and expertise to complete the project | 20 |
| ✓ Effective use of funds (e.g. cost effectiveness and/ or funding partnerships) | 15 |
| ✓ Co-benefits (e.g. control/mitigation of toxics or GHGs) | 10 |
| ✓ EJ Area benefits | 10 |
| ✓ Job creation within the jurisdiction of the SCAQMD | 5 |
| ✓ Community/government support | 5 |
| **Total** | **100** |

Additional Points

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

**The cumulative points awarded for small business, DVBE, use of small business or DVBE subcontractors, low-emission vehicle business, local business, and off-peak hours delivery business shall not exceed 15 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 or certification from the State of California Office of Small Business

Certification and Resources at the time of proposal submission certifying that the proposer meets the requirements set forth in Section III. To receive points for the use of DVBE and/or Small Business subcontractors, at least 25 percent of the total contract value must be subcontracted to DVBEs and/or Small Businesses. To receive points as a Low-Emission Vehicle Business, the proposer must demonstrate to the Executive Officer, or designee, that supplies and materials delivered to SCAQMD are delivered in vehicles that operate on either clean-fuels or if powered by diesel fuel, that the vehicles have particulate traps installed. 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 SCAQMD 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 SCAQMD. The cumulative points awarded for small business, DVBE, use of Small Business or DVBE Subcontractors, Local Business, Low-Emission Vehicle Business and Off-Peak Hour Delivery Business shall not exceed 15 points.

The Procurement Section will be responsible for monitoring compliance of suppliers awarded purchase orders based upon use of low-emission vehicles or off-peak traffic hour delivery commitments through the use of vendor logs which will identify the contractor awarded the incentive. The purchase order shall incorporate terms which obligate the supplier to deliver materials in low-emission vehicles or deliver during off-peak traffic hours. The Receiving department will monitor those qualified supplier deliveries to ensure compliance to the purchase order requirements. Suppliers in non-compliance will be subject to a two percent of total purchase order value penalty. The Procurement Manager will adjudicate any disputes regarding either low-emission vehicle or off-peak hour deliveries.

D. 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 SCAQMD.

E. 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 SCAQMD 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.

F. 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 shall be notified of the results by letter.

G. 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 SCAQMD 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 SCAQMD Procurement Department.

H. 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.

I. 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.

J. Disposition of Proposals – Pursuant to SCAQMD's Procurement Policy and Procedure, SCAQMD reserves the right to reject any or all proposals. All proposals become the property of SCAQMD, and are subject to the California Public Records Act. One copy of the proposal shall be retained for SCAQMD files. Additional copies and materials will be returned only if requested and at the proposer's expense.

**K. 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 and 1725.**

L. PAYMENT BOND (MATERIAL AND LABOR BOND) - Within fourteen days after execution of the Contract by SCAQMD and prior to performing any work under the Contract, the CONTRACTOR shall file with SCAQMD, a payment bond (material and labor bond) in an amount equal to one hundred (100) percent of the contract price, to satisfy claims of material suppliers and of mechanics and laborers employed by the Contractor to perform the work.

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

B. EFFECT OF CHANGES IN THE WORK/EXTENSIONS OF TIME ON THE SURETY - Changes in the work, or extensions of time, made pursuant to the Contract, shall in no way release the Contractor or the Surety from their obligations under the bond. Notice of such changes or extensions shall be waived by the Surety.

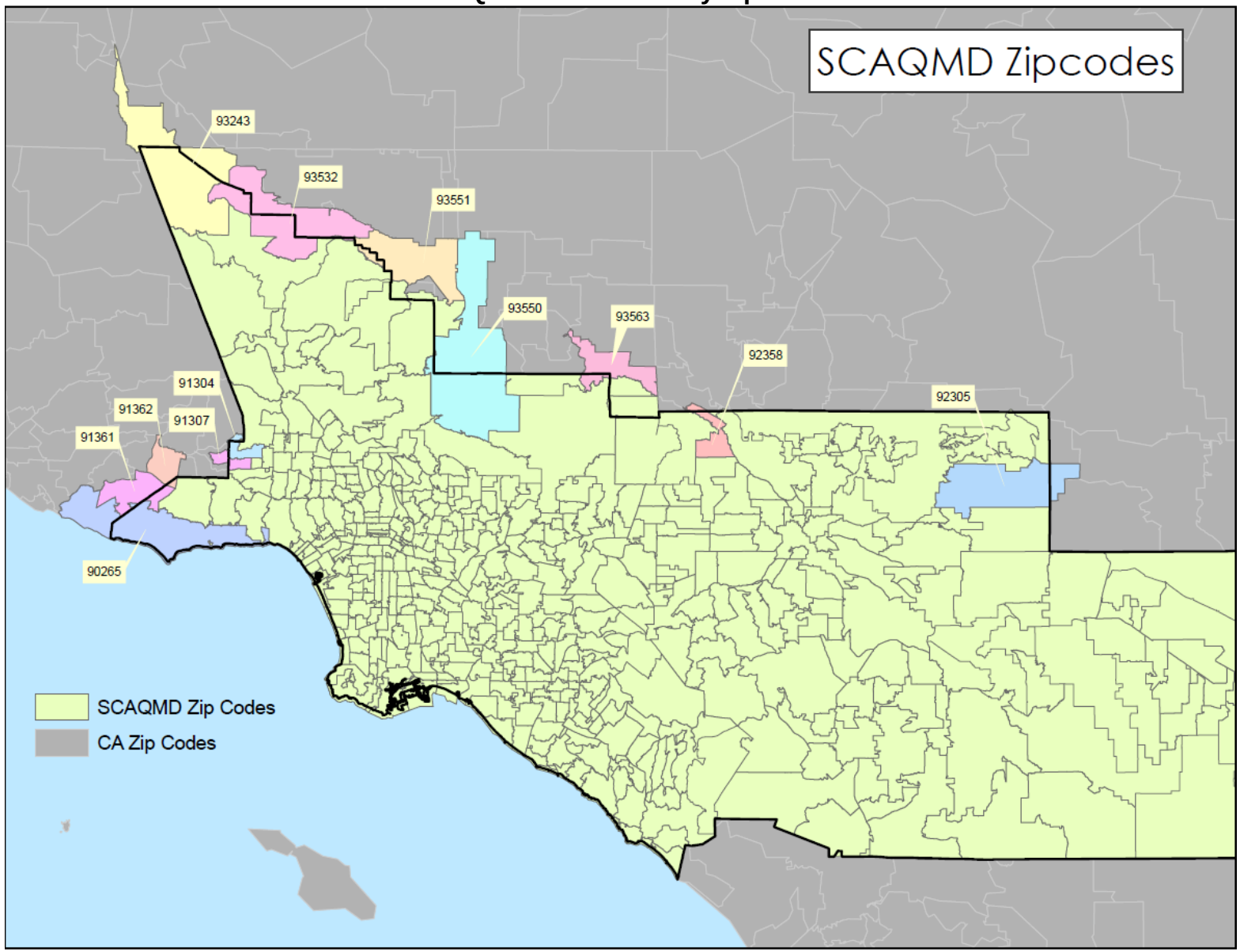
## SECTION X: FUNDING

The total funding for the work contemplated by this RFP will be approximately $61 Million.

## SECTION XI: SAMPLE CONTRACT

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

**SCAQMD Jurisdiction by Zip Code**




The map is for illustrative purposes only. Qualifying projects must be in areas defined in AB 1318 as being in 10% poverty AND exposure to 46 µg/m3 PM10 concentration OR cancer risk of 1,000:1 Million.

# ATTACHMENT A

## PARTICIPATION IN THE PROCUREMENT PROCESS

A. It is the policy of South Coast Air Quality Management District (SCAQMD) 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 SCAQMD 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, low-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 SCAQMD at the time of bid or proposal submittal and performs 90% of the work related to the contract within the geographical boundaries of SCAQMD 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. "Low-Emission Vehicle Business" as used in this policy means a company or contractor that uses low-emission vehicles in conducting deliveries to SCAQMD. Low-emission vehicles include vehicles powered by electric, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG), ethanol, methanol, hydrogen and diesel retrofitted with particulate matter (PM) traps.

8. “Off-Peak Hours Delivery Business” as used in this policy means a company or contractor that commits to conducting deliveries to SCAQMD 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 SCAQMD 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 SCAQMD will receive at least as favorable pricing, warranties, conditions, benefits and terms as other customers or clients making similar purchases or receiving similar services.

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. Low-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. Low-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. SCAQMD 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 SCAQMD contractual obligations.

F. SCAQMD 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. SCAQMD 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 SCAQMD. 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 SCAQMD 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, SCAQMD 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


## Business Information Request

Dear SCAQMD Contractor/Supplier:

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

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

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

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

Sincerely,

Michael B. O'Kelly
Chief Administrative Officer

DH:tm

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

REV 2/17

# South Coast
# Air Quality Management District

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

## BUSINESS INFORMATION REQUEST

| | |
|---|---|
| Business Name | |
| Division of | |
| Subsidiary of | |
| Website Address | |
| Type of Business<br>*Check One:* | ☐ Individual<br>☐ DBA, Name _____, County Filed in _____<br>☐ Corporation, ID No. _____<br>☐ LLC/LLP, ID No. _____<br>☐ Other _____ |

### REMITTING ADDRESS INFORMATION

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

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

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

## BUSINESS STATUS CERTIFICATIONS

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

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

Statements of certification:

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

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

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

Check all that apply:

☐ Small Business Enterprise/Small Business Joint Venture
☐ Local business
☐ Minority-owned Business Enterprise
☐ Women-owned Business Enterprise
☐ Disabled Veteran-owned Business Enterprise/DVBE Joint Venture
☐ Most Favored Customer Pricing Certification

Percent of ownership: _____ %

Name of Qualifying Owner(s): _____ _____

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

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

_____ _____
***NAME*** ***TITLE***

_____ _____
***TELEPHONE NUMBER*** ***DATE***

# Definitions

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

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

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

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

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

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

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

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

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

a. 1) an independently owned and operated business; 2) not dominant in its field of operation; 3) together with affiliates is either:

   - **A service, construction, or non-manufacturer with 100 or fewer employees, and average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years, or**

   - A manufacturer with 100 or fewer employees.

b. Manufacturer means a business that is both of the following:

   1) Primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products.

   2) Classified between Codes 311000 to 339000, inclusive, of the North American Industrial Classification System (NAICS) Manual published by the United States Office of Management and Budget, 2007 edition.

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

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

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

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

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

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

Print or type
See **Specific Instructions** on page 2.

**1** Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

**2** Business name/disregarded entity name, if different from above

**3** Check appropriate box for federal tax classification; check only **one** of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
**Note.** For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

**4** Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
*(Applies to accounts maintained outside the U.S.)*

**5** Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

**6** City, state, and ZIP code

**7** List account number(s) here (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

**Social security number**
☐☐☐ – ☐☐ – ☐☐☐☐

**or**

**Employer identification number**
☐☐ – ☐☐☐☐☐☐☐

## 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 on page 3.

**Sign Here** **Signature of U.S. person ▶** **Date ▶**

## General Instructions

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

**Future developments**. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at *www.irs.gov/fw9*.

### 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?* on page 2.

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?* on page 2 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 Publication 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 28% 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 Part II instructions on page 3 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* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

## 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* on page 3 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, list first, and then circle, the name of the person or entity whose number you entered in Part I of 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 in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

**Limited Liability Company (LLC).** If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

## Line 4, Exemptions

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

**Exempt payee code.**

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

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

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

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

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

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

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

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

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

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

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

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

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

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

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

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

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

G—A real estate investment trust

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

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

J—A bank as defined in section 581

K—A broker

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

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

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

## Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

## 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. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), 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 the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at *www.ssa.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/businesses* and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

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 items 1, 4, or 5 below indicate 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), 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) | The actual owner of the account or, if combined funds, the first individual on the account[1] |
| 3. Custodian account of a minor (Uniform Gift to Minors Act) | The minor[2] |
| 4. a. The usual revocable savings trust (grantor is also trustee) | The grantor-trustee[1] |
| b. So-called trust account that is not a legal or valid trust under state law | The actual owner[1] |
| 5. Sole proprietorship or disregarded entity owned by an individual | The owner[3] |
| 6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A)) | The grantor* |
| **For this type of account:** | **Give name and EIN of:** |
| 7. Disregarded entity not owned by an individual | The owner |
| 8. A valid trust, estate, or pension trust | Legal entity[4] |
| 9. Corporation or LLC electing corporate status on Form 8832 or Form 2553 | The corporation |
| 10. Association, club, religious, charitable, educational, or other tax-exempt organization | The organization |
| 11. Partnership or multi-member LLC | The partnership |
| 12. A broker or registered nominee | The broker or nominee |
| 13. 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 |
| 14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B)) | The trust |

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

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

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

[4] List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

***Note.** 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 Publication 4535, Identity Theft Prevention and Victim Assistance.

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

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

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

If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov*. You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: *spam@uce.gov* or contact them at *www.ftc.gov/idtheft* or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

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

TAXABLE YEAR

CALIFORNIA FORM

# 2017 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** and search for **privacy notice**. 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 _____

7061173

Form 590 C2 2016

# 2017 Instructions for Form 590

## Withholding Exemption Certificate

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

## General Information

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

## A Purpose

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

Form 590 does not apply to payments of backup withholding. For more information, go to **ftb.ca.gov** and search for **backup withholding**.

Form 590 does not apply to payments for wages to employees. Wage withholding is administered by the California Employment Development Department (EDD). For more information, go to **edd.ca.gov** or call **888**.745.3886.

**Do not** use Form 590 to certify an exemption from withholding if you are a **Seller of California real estate**. Sellers of California real estate use Form 593-C, Real Estate Withholding Certificate, 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

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.

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 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 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, and provide it upon request to the FTB.

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, get 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 withholding agent retains this form for a minimum of five years or until the payee's status changes, and must provide this form 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, and Form 592-V, Payment Voucher for Resident and Nonresident Withholding.

## Additional Information

| | |
|---|---|
| Website: | For more information go to **ftb.ca.gov** and search for **nonwage**.<br>**MyFTB** offers secure online tax account information and services. For more information and to register, go to **ftb.ca.gov** and search for **myftb**. |
| Telephone: | **888**.792.4900 or 916.845.4900, Withholding Services and Compliance phone service |
| Fax: | 916.845.9512 |
| Mail: | WITHHOLDING SERVICES AND COMPLIANCE MS F182<br>FRANCHISE TAX BOARD<br>PO BOX 942867<br>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 information below.

**Internet and Telephone Assistance**

| | |
|---|---|
| Website: | **ftb.ca.gov** |
| Telephone: | 800.852.5711 from within the United States<br>916.845.6500 from outside the United States |
| TTY/TDD: | 800.822.6268 for persons with hearing or speech impairments |

**Asistencia Por Internet y Teléfono**

| | |
|---|---|
| Sitio web: | **ftb.ca.gov** |
| Teléfono: | 800.852.5711 dentro de los Estados Unidos<br>916.845.6500 fuera de los Estados Unidos |
| TTY/TDD: | 800.822.6268 para personas con discapacidades auditivas o de habla |

# 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).

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

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

The list of current SCAQMD Governing Board Members can be found at SCAQMD website (www.aqmd.gov). The list of current MSRC members/alternates can be found at the MSRC website (http://www.cleantransportationfunding.org).

## SECTION I.

**Contractor (Legal Name): _____**

DBA, Name _____, County Filed in_____

Corporation, ID No._____

LLC/LLP, ID No. _____

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

_____

_____

## SECTION II.

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

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

**Campaign Contributions Disclosure,** *continued:*

Name of Contributor _____

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

Name of Contributor _____

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

Name of Contributor _____

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

Name of Contributor _____

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

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

By:_____

Title:_____

Date:_____

**DEFINITIONS**

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

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

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

(A) One business entity has a controlling ownership interest in the other business entity.

(B) There is shared management and control between the entities. In determining whether there is shared management and control, consideration should be given to the following factors:

(i) The same person or substantially the same person owns and manages the two entities;
(ii) There are common or commingled funds or assets;
(iii) The business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis;
(iv) There is otherwise a regular and close working relationship between the entities; or

(C) A controlling owner (50% or greater interest as a shareholder or as a general partner) in one entity also is a controlling owner in the other entity.

# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178

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

- ☐ Individual (Employee, Governing Board Member)
- ☐ Vendor/Contractor
- ☐ Changed Information
- ☐ New Request
- ☐ Cancel Direct Deposit

**STEP 2: Payee Information**

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

**Authorization**

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

**STEP 3:**

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

**To be Completed by your Bank**

| Staple Voided Check Here | | | |
|---|---|---|---|
| | Name of Bank/Institution | | |
| | Account Holder Name(s) | | |
| | ☐ Saving ☐ Checking | Account Number | Routing Number |
| | Bank Representative Printed Name | Bank Representative Signature | Date |
| | ACCOUNT HOLDER SIGNATURE: | | Date |

**For SCAQMD Use Only** Input By _____ Date _____