



Alternative Fuel Engines for On-Road Heavy Duty Vehicles

Program Announcement

PA2012-11

March 2, 2012

SECTION 1 - INTRODUCTION

The Mobile Source Air Pollution Reduction Review Committee (MSRC) is pleased to announce a new **Clean Transportation Funding™** program to encourage owners of existing, older diesel and alternative fuel heavy-duty vehicles within the South Coast Air Quality Management District (SCAQMD) to re-power their vehicles with new, lower-emitting alternative fuel engines.

Significant levels of NO_x reduction have been achieved in California Air Resources Board (CARB)-certified alternative fuel heavy-duty engines over the past decade. For example, a heavy-duty compressed natural gas engine purchased in model year 2004 had a NO_x + NMHC certification level of 1.7 g/bhp-hr. In contrast, new 2012 heavy-duty natural engines have CARB certifications as low as 0.1 g/bhp-hr. Thus, significant reductions in ozone precursor emissions can be realized by replacing an older alternative fuel engine with a new alternative fuel engine.

This Program Announcement offers incentives to owners of diesel or alternative fuel on-road heavy-duty vehicles who re-power their existing vehicles with new alternative fuel engines that are certified at or below 0.2 g/bhp-hr NO_x. The following Sections describe eligibility requirements to participate in this incentive program, as well as guidelines for application preparation. Also, MSRC staff members are available to answer questions and provide technical guidance as appropriate during the entire application preparation period. Please refer to Section 6 of this document for a list of MSRC Staff contacts.

SECTION 2 – ELIGIBLE ENGINES & INCENTIVE LEVELS

1. **Eligible Engines** - The MSRC's On-Road Heavy-duty Alternative Fuel Engine Program offers eligible participants incentives for the re-power of existing heavy-duty trucks and buses with new dedicated alternative fuel engines certified by CARB at or below a NO_x standard of 0.2 g/bhp-hr and PM standard of 0.01 g/bhp-hr. For the purpose of this Program Announcement, eligible alternative fuels include:
 - Compressed Natural Gas (CNG)
 - Liquefied Natural Gas (LNG)
 - Liquefied Petroleum Gas (LPG, i.e., HD-5 or HD-10 propane)
 - Hydrogen (H₂)
 - Electricity (e.g., conversion to battery electric)
2. **FEL Engines** – Engines certified by CARB under a Family Emissions Level (FEL) and used in emissions banking and trading programs are not eligible to receive MSRC Incentives. Only non-FEL engines are eligible to receive MSRC **Clean Transportation Funding™**.
3. **Incentive Level** - The total amount of FY 2011-'12 MSRC **Clean Transportation Funding™** allocated for this Program is \$2.0M. The incentive level for the re-power of existing vehicles with a qualifying 0.2 gram or cleaner alternative fuel engine has been set at the actual incremental cost of the alternative fuel engine and installation, not to exceed a maximum of \$25,000 per qualifying vehicle. For the purpose of this Program Announcement, "Incremental Cost" is defined as the cost of purchasing the new engine and performing the re-power, minus any funding contributions from other Federal, State, or Local public agencies. This includes, but is not limited to, funding from the South Coast AQMD, State of California Prop 1B or Prop 118, and Federal CMAQ, stimulus funding, Federal Transit Administration (FTA) funding, etc.

Funding is available on a first-come, first-served basis to applicants proposing qualifying projects. For the purpose of this Program, all qualified project applications received on or before 5:00 p.m. on the first day of the Application Acceptance Period, April 5, 2012, will be deemed received at the same time. In the event the Program is oversubscribed following receipt of first-day applications, MSRC funds will be

distributed on a pro rata share basis to qualified project applications. Please note that the Geographic Funding Minimums discussed below will take precedence in the event funding must be pro-rated. Qualifying applications received after 5:00 p.m. on April 5, 2012 will be funded in the order of receipt.

In the event meritorious project applications are received totaling greater than the current funding allocation of \$2.0M, the MSRC reserves the right to increase the amount of total funding available. Please note that as MSRC funding is limited, the availability of funding cannot be guaranteed. In contrast, if total requests are less than the amount currently allocated, or if applications are deemed non-meritorious, the MSRC reserves the right to reduce the total funding available and reallocate funds to other Work Program categories.

Please note that the source of MSRC **Clean Transportation Funding™** for projects submitted in response to this solicitation is motor vehicle registration fees collected by the California Department of Motor Vehicles (DMV) in accordance with the California Health and Safety Code. Thus, the availability of MSRC **Clean Transportation Funding™** is contingent upon the timely receipt of funds from the DMV. Neither the MSRC nor South Coast AQMD can guarantee the collection or remittance of registration fees by the DMV.

SECTION 3 – PARTICIPATION REQUIREMENTS & PROGRAM GUIDELINES

1. **Qualifying Vehicles** – Vehicles proposed for re-power must be on-road heavy-duty vehicles equipped with a **model year 2005** or older engine. For the purpose of this Program Announcement, the vehicle must have a gross vehicle weight rating (GVWR) of 14,001 pounds or greater and be licensed by the State of California for use on the highway;
2. **In-District Vehicle Operations Requirement** – Each vehicle must accrue at least 85% of its annual mileage or engine hours of operation within the geographical boundaries of the SCAQMD. If the proposed vehicle does not satisfy this requirement, the maximum incentive amount available from the MSRC will be discounted. The discounted value shall equal the percentage of annual vehicle miles or vehicle hours of operation accrued in the SCAQMD jurisdiction multiplied by the maximum award amount the vehicle would have been eligible for had 100% of operations accrued within the SCAQMD;
3. **Eligible Applicants** – Entities that own and operate heavy-duty trucks and buses within the geographical jurisdiction of the South Coast AQMD are eligible to participate in the Program. Although applications may be prepared and submitted by a third party on behalf of an eligible vehicle owner, the contract signatory and MSRC funding recipient must be the owner of the vehicle utilizing the low emission alternative fuel engine;
5. **Geographic Funding Minimum** – The MSRC has established a Geographical Funding Minimum for each county within the AQMD. The geographical funding minimum amount has been set at \$250,000 per county. This funding set-aside guarantees a minimum level of funding for each county to participate in this program. At the end of the application submittal period, June 1, 2012, if any county has funds remaining in its geographical minimum, these funds will be made available to qualifying projects from any other county in order of receipt;
6. **Maximum Funding** – To ensure broad-based participation, the maximum total funding award to any entity under this solicitation shall not exceed 30% of the total Available Funding. This maximum funding restriction can be waived by the MSRC in the event the MSRC does not receive meritorious Applications from other bidders that meet or exceed 70% of the total available funds or if the MSRC allocates additional funds to the program. The MSRC reserves the right to determine which projects, if any, are deemed meritorious and warrant a **Clean Transportation Funding™** award.

7. **Funding Restrictions** – The following funding restrictions have been imposed by the MSRC:
- Incentives received from the South Coast AQMD Carl Moyer Program may not be comingled with Clean Transportation Funding from the MSRC for the purpose of re-powering a vehicle;
 - MSRC funds must be applied towards the capital purchase and installation costs of a qualifying alternative fuel engine only. Under no circumstances shall MSRC funds be applied towards the purchase of fuel, or used to offset vehicle operations or maintenance costs.
8. **Earliest Date for an MSRC-Funded Project to Commence** – The release date of this Program Announcement, March 2, 2012, is the earliest date work on a project can commence and be potentially eligible for MSRC funding. Any expenditures made in anticipation of an award and prior to execution of a contract are solely at the proposer’s risk. If no contract is executed, neither the MSRC nor South Coast AQMD is liable for payment of any funds expended in anticipation of a contract. Please note that in the event a contract is executed, reimbursement for any costs incurred by the proposer in anticipation of the contract is at the discretion of the MSRC and South Coast AQMD.
9. **Additional Conditions on MSRC Funding**
- The existing vehicle engine must be scrapped following the re-power;
 - MSRC funds will be distributed on a reimbursement basis only upon completion of approved project tasks and submission of all required reports and invoices;
 - Recipients of MSRC **Clean Transportation Funding™** must guarantee that projects implemented under this Program will remain operational and in the geographical jurisdiction of the South Coast AQMD for a period of no less than five (5) years from the date an MSRC co-funded vehicle enters service;
 - MSRC funds are not intended to fund staff salaries or administrative costs;
 - The purchase of alternative fuel engines under this Program Announcement must not be required by, or in fulfillment of, any local or state law, rule, or regulation. Please note that entities are eligible to participate and receive MSRC incentives if the proposed engine(s) are certified by CARB to an emission standard stricter than that required by any applicable local or state law, rule, or regulation and thus go “above and beyond” mandated requirements;
 - Finally, in accordance with state law, all projects awarded MSRC **Clean Transportation Funding™** are subject to audit. It is highly recommended that bidders employ standard accounting practices when administering their MSRC co-funded project.

SECTION 4 - SCHEDULE OF EVENTS

The Heavy-Duty On-Road Alternative Fuel Engine Program will be conducted in accordance with the timeline illustrated in Table 4-1, below. Applications may be submitted during the approximately seven-week period commencing April 5, 2012 and ending June 1, 2012. *Please note that applications must be received no later than 5:00 p.m. on June 1, 2012. Late applications will not be evaluated and will not be eligible for MSRC funding.*

Table 4-1 - Key On-Road Heavy-Duty Alternative Fuel Engine Program Dates

| Program Event | Date |
|---|--------------------------|
| Program Announcement Release | March 2, 2012 |
| First Date to Submit Application | April 5, 2012 |
| Latest Date/Time for Application Submission | June 1, 2012 @ 5:00 p.m. |

SECTION 5 - APPLICATION PREPARATION & SUBMITTAL INSTRUCTIONS

An application must be submitted in order to participate in the On-Road Heavy-Duty Vehicle Alternative Fuel Engine Program. The following instructions are intended to assist the applicant in preparing an application for funding consideration.

A. APPLICATION PREPARATION INSTRUCTIONS

1. **Cover Letter** - Transmittal of the application must specify the subject of the application, the Program Announcement number, and applicant's name, address, telephone number and e-mail address. The letter shall specify contact person(s) for technical and contractual matters, and be signed by the person(s) authorized to contractually bind the bidding entity. For joint applications (from more than one entity) the bidder must include a statement confirming authorization to act on behalf of other co-bidders. The bidder must include a letter of support or memorandum of understanding, including project contact name, telephone, and e-mail address, from all proposing entities of a joint application.
2. **Application Attachments** - In an effort to reduce the paperwork burden on applicants, a template based application format has been provided for the On-Road Alternative Fuel Engine Program applications. The template forms are designed to be self-explanatory and should prove straightforward to complete. The Forms are included as **Attachment A** to this Program Announcement. Questions should be directed to the appropriate MSRC staff representative listed in Section 6.
3. **Conflict of Interest** - Address possible conflicts of interest with other clients affected by actions performed by the firm on behalf of the MSRC. Although the bidder will not be automatically disqualified by reason of work performed for such firms, the MSRC reserves the right to consider the nature and extent of such work in evaluating the application. **AS PART OF YOUR APPLICATION, CERTIFY THAT YOU ARE A LEGAL ENTITY CAPABLE OF ENTERING INTO CONTRACTS WITHIN THE STATE OF CALIFORNIA.**
4. **Certifications** – All applicants must complete and submit the following forms, located in Section 9, as an element of their Application (unless specifically exempted below):
 - Internal Revenue Service Form W-9 – Request for Taxpayer Identification Number and Certification. If you are selected for an award, you cannot be established as a vendor without this information.
 - Campaign Contributions Disclosure. This information must be provided at the time of application in accordance with California law. You may be asked for an update when awards are considered.
 - Disadvantaged Business Certification. The AQMD needs this information for their vendor database. IT WILL NOT BE CONSIDERED IN THE DETERMINATION OF YOUR MSRC AWARD. Governmental entities do not need to complete this form.

5. **Certificates of Insurance** - Bidders are required to provide a statement that upon notification of award, a certificate(s) of insurance naming the SCAQMD as an additional insured will be provided within forty-five (45) days. Entities that are self-insured are required to provide a statement to that effect in their application.

B. APPLICATION SUBMITTAL INSTRUCTIONS

1. **Signature** - Application Cover Letters must be signed by an authorized representative of the bidder.
2. **Due Date** - Applicants must submit one (1) original Application and three (3) copies (total of four) in a sealed envelope, marked in the upper left-hand corner with the name and address of the applicant and the words "PA2012-11, On-Road Alternative Fuel Engine Program". The original Application should be submitted on white, 8 ½" x 11" recycled paper. When possible, any plans, diagrams, etc. should be affixed to standard size paper to facilitate reproduction. The last date and time to submit is **June 1, 2012 at 5:00 p.m.** All Applications should be directed to:

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

In addition to the paper Application, applicants must also submit an electronic copy of their Application in either PDF format or Microsoft Word. This may be provided via e-mail or CD-ROM. E-mailed electronic Application copies should be sent to either cynthia@cleantransportationfunding.org or ray@cleantransportationfunding.org; CD-ROM disks should be sent in care of the Procurement Unit at the street address listed above.

Please note that the Application is only deemed "received" when the four (4) complete paper copies are submitted in accordance with the above instructions - submittal of an electronic Application only does not constitute receipt by the AQMD. In addition, please note that faxed Applications will not be accepted.

3. **Addenda** - The MSRC may issue supplementary information or guidelines relative to this RFP during the application preparation period of March 2, 2012 to June 1, 2012.
4. **Grounds for Rejection** - An application may be immediately rejected if:
 - It is received at any time after the exact date and time set for receipt of applications;
 - It is not prepared in the format described; or
 - It is not signed by an individual authorized to represent the proposing entity.
5. **Disposition of Applications** - The MSRC reserves the right to reject any or all applications. All responses become the property of MSRC. One copy of the application shall be retained for AQMD files. Additional copies and materials will be returned only if requested and at the applicant's expense.
6. **Modification or Withdrawal** - Once submitted, applications cannot be altered without the prior written consent of MSRC. All applications shall constitute firm offers and may not be withdrawn for a period of ninety (90) days following the last day to accept applications.

SECTION 6 - IF YOU NEED HELP...

This Program Announcement can be obtained by accessing the MSRC web site at www.cleantransportationfunding.org. MSRC staff members are available to answer questions during the Application acceptance period. In order to help expedite assistance, please direct your inquiries to the applicable staff person, as follows:

- For **General and Administrative Assistance**, please contact:

Cynthia Ravenstein
MSRC Program Administrator
Phone: 909-396-3269
E-mail: cynthia@cleantransportationfunding.org

- For **Technical Assistance**, please contact:

Ray Gorski
MSRC Technical Advisor
Phone: 909-396-2479
E-mail: ray@cleantransportationfunding.org

- For **Contractual Assistance**, please contact:

Dean Hughbanks
AQMD Procurement Manager
Phone: 909-396-2808
E-mail: dhughbanks@aqmd.gov

SECTION 7 - APPLICATION EVALUATION & APPROVAL PROCESS

Applications will be evaluated in order of receipt. An Application is deemed “received” when it has been screened by members of the MSRC staff or MSRC-TAC and deemed complete. Only complete Applications will receive further evaluation and consideration of a potential MSRC **Clean Transportation Funding™** award.

Applications deemed complete will be forwarded to an Evaluation Subcommittee comprised of members of the MSRC Technical Advisory Committee (MSRC-TAC). Candidate vehicles will be evaluated individually against the requirements established by the MSRC and discussed in Sections 2 and 3, above. Applications that, in the opinion of the MSRC and their Technical Advisory Committee, adequately satisfy the objectives delineated in this Program Announcement will be considered for a funding award. Upon receipt of final MSRC and AQMD Governing Board approval, the MSRC Staff will prepare a contract for execution by the applicant. The time period from AQMD Governing Board approval to contract execution is anticipated to be approximately one-hundred twenty (120) days.

Applications deemed unsatisfactory or insufficient during either initial screening or MSRC-TAC Subcommittee evaluation will be returned to the Applicant with an explanation of corrective actions required. Any returned Applications will lose their original submittal date and, if resubmitted, will be issued a new date. The MSRC retains sole discretion as to which Applications, if any, are deemed meritorious and deserving of an award of **Clean Transportation Funding™**. In addition, the MSRC reserves the right to award funding in an amount less than the Applicant’s requested amount. Applications deemed incomplete, or complete but non-meritorious, will not be funded under any circumstances.

SECTION 8 - APPLICATION ATTACHMENTS

ATTACHMENT A: APPLICATION FORMS

FORM 1: APPLICATION SUMMARY INFORMATION

A. Please provide the following applicant information in the space provided:

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

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

B. Funding Request Summary:

MSRC Clean Transportation Funding™ Requested: \$ _____

Existing or Anticipated AQMD Funding Applied to Project: \$ _____

Other Co-Funding Applied to Project: \$ _____

Total Project Cost: \$ _____

FORM 2: VEHICLE INFORMATION

RE-POWER OF EXISTING HEAVY-DUTY VEHICLES: Please provide the requested information for each EXISTING VEHICLE proposed for re-power with a qualifying 0.2 g/bhp-hr NO_x or cleaner certified alternative fuel heavy-duty engine:

| | |
|--|--|
| Quantity of this Type of Vehicle to be Re-powered | |
| Vehicle Manufacturer & Model | |
| Model Year | |
| Existing Engine Manufacturer & Model | |
| Existing Engine Model Year | |
| Existing Engine Fuel Type (CNG or LNG) | |
| Existing Engine Horsepower | |
| Existing Engine Certification Level | |
| Replacement Engine Manufacturer & Model | |
| Replacement Engine Model Year | |
| Replacement Engine Fuel Type (CNG or LNG) | |
| Replacement Engine Certification Level | |
| Estimated Annual Mileage | |
| Estimated Annual Fuel Consumption | |
| Percent of Vehicle Operation within SCAQMD | |
| Estimated Vehicle Life | |
| Estimated Cost to Purchase and Install Replacement Engine | |
| Funding from Other Public Agencies (FTA, CMAQ, SCAQMD, etc.) | |
| Funding Requested Per Vehicle (\$40,000 per vehicle maximum) | |

FORM 3: PROJECT IMPLEMENTATION SCHEDULE

Please provide, either in the space outlined below or separate attached sheet, a Milestone Schedule for your proposed heavy-duty vehicle project. Milestones may include, but are not limited to, project kickoff meetings, procurement timelines, projected vehicle delivery dates, acceptance testing, progress reports, interim reports, final reports, and project review meetings.

| PROJECT MILESTONE | START DATE | COMPLETION |
|---|---|-----------------------|
| <i>Example: Task 1 – Order Vehicles</i> | <i>Authority to Proceed (ATP) + one month</i> | <i>ATP + 6 months</i> |
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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 not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, 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, or
2. You do not certify your TIN when required (see the Part II instructions on page 4 for details), or
3. The IRS tells the requester that you furnished an incorrect TIN, or
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 the instructions below and the separate instructions for the Requester of Form W-9.

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

Name

If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. 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 the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

Exempt payees. Backup withholding is not required on any payments made to the following payees:

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 possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,

7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

| IF the payment is for . . . | THEN the payment is exempt for . . . |
|--|--|
| Interest and dividend payments | All exempt recipients except for 9 |
| Broker transactions | Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker |
| Barter exchange transactions and patronage dividends | Exempt recipients 1 through 5 |
| Payments over \$600 required to be reported and direct sales over \$5,000 ¹ | Generally, exempt recipients 1 through 7 ² |

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

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

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-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., 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 Social Security Administration office or get this form online at www.socialsecurity.gov/online/ss-5.pdf. 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 ID Numbers under Related Topics. You can get Forms W-7 and SS-4 from the IRS by visiting www.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, 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. Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A *disregarded domestic 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, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

Signature requirements. Complete the certification as indicated in 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 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 single-owner LLC | The owner ³ |
| For this type of account: | Give name and EIN of: |
| 6. Sole proprietorship or single-owner LLC | The owner ³ |
| 7. A valid trust, estate, or pension trust | Legal entity ⁴ |
| 8. Corporate or LLC electing corporate status on Form 8832 | The corporation |
| 9. Association, club, religious, charitable, educational, or other tax-exempt organization | The organization |
| 10. Partnership or multi-member LLC | The partnership |
| 11. A broker or registered nominee | The broker or nominee |
| 12. 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 |

¹List 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.

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

³You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one). If you are a sole proprietor, IRS encourages you to use your SSN.

⁴List first and circle the name of the legal 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.)

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.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax 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. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

DISADVANTAGED BUSINESS CERTIFICATION

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.

Following state guidance, a vendor may be deemed a disabled veteran business enterprise (DVBE) if it meets the following:

- is an independent business concern which is at least 51 percent owned and controlled by disabled veteran(s), and the home office is located in the U.S.

Statements of certification:

As a prime contractor to the SCAQMD, _____ (name of business) will engage in good faith efforts to achieve the fair share in accordance with 40 CFR Section 31.36(e), 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.

(a) Self-Certification Verification:

Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> Small business enterprise | <input type="checkbox"/> Women-owned business enterprise |
| <input type="checkbox"/> Local business | <input type="checkbox"/> Disabled veteran-owned business enterprise |
| <input type="checkbox"/> Minority-owned business enterprise | |

Percent of ownership: _____ %

Name of Qualifying Owner(s): _____

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.

| | | |
|-----------|-------------|--------------|
| B. | NAME | TITLE |
|-----------|-------------|--------------|

| | | |
|-----------|-------------------------|-------------|
| C. | TELEPHONE NUMBER | DATE |
|-----------|-------------------------|-------------|

(a) *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 MBE/WBE/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 MBE/WBE/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 the SCAQMD at the time of bid proposal.
- 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 all of the following criteria:

- is any business enterprise including its affiliates located inside the United States that is organized for profit, pays U.S. taxes, and/or uses American products, materials, and/or labor, etc.
- is independently owned and operated
- is not dominant in the field of operation
- is qualified as a small business under the criteria and size standards set forth in 13 CFR 121

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.



CAMPAIGN CONTRIBUTIONS DISCLOSURE

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

In addition, 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 \$250 or more, in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC. Gov't Code §84308(c). When abstaining, the Board Member or member/alternate of the MSRC must announce the source of the campaign contribution on the record. *Id.* The requirement to abstain is triggered by campaign contributions of \$250 or more in total contributions of the bidder or contractor, *plus* any of its parent, subsidiary, or affiliated companies. 2 C.C.R. §18438.5.

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 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).

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

SECTION I. Please complete Section I.

Contractor:

RFP #: PA2012-11

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.**

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 _____

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

- (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.*

2 Cal. Code of Regs., §18703.1(d).