

BOARD MEETING DATE: July 8, 2011

AGENDA NO. 5

PROPOSAL: Approve School Bus Retrofit Awards, Amend Contracts and Issue Program Announcement for School Bus Replacements

SYNOPSIS: The state allocated \$71.1 million in Proposition 1B funds to AQMD for school bus replacements and retrofits. At its earlier meetings, the Board committed \$67.5 million of these funds. These actions are to approve awards to retrofit 60 school buses with PM traps for up to \$1.2 million from the Proposition 1B-Lower Emission School Bus Program Fund, amend two contracts under the Lower-Emission School Bus Program and issue a Program Announcement to provide funding assistance for replacement of pre-1987 school buses with new CNG buses using the balance of the Proposition 1B funds and the accrued interest.

COMMITTEE: Technology, June 17, 2011. Less than a quorum was present; the Committee Members concurred that this item be approved by the Board.

RECOMMENDED ACTIONS:

1. Authorize the Chairman to execute contracts with the following public school districts and private operators to retrofit 60 school buses with Level 3 PM traps in an amount not to exceed \$1.2 million from the Proposition 1B-Lower Emission School Bus Program Fund (82):
 - a. Alhambra Unified School District for 5 traps in an amount not to exceed \$100,000;
 - b. Castaic School District for 5 traps in an amount not to exceed \$100,000;
 - c. El Monte School District for 1 trap in an amount not to exceed \$20,000;
 - d. Hemet Unified School District for 9 traps in an amount not to exceed \$180,000;
 - e. Rowland Unified School District for 2 traps in an amount not to exceed \$40,000;
 - f. Lynwood Unified School District for 7 traps in an amount not to exceed \$140,000;
 - g. Magnolia School District for 3 traps in an amount not to exceed \$60,000;
 - h. Nuview Union School District for 2 traps in an amount not to exceed \$40,000;
 - i. Ontario-Montclair School District for 2 traps in an amount not to exceed \$40,000;
 - j. Rialto Unified School District for 2 traps in an amount not to exceed \$40,000;
 - k. JFK Transportation for 4 traps in an amount not to exceed \$80,000;
 - l. Tobinworld for 8 traps in an amount not to exceed \$160,000; and

- m. Town Ride for 10 traps in an amount not to exceed \$200,000.
- 2. Authorize the Chairman to amend the following contracts using funds from the Proposition 1B-Lower Emission School Bus Program Fund (82):
 - a. Los Angeles Unified School District to provide an additional \$7,864 per bus as approved by CARB, to pay for air conditioning units on 18 propane school buses replacing pre-1987 school buses for the total additional amount of up to \$141,552;
 - b. Tumbleweed Transportation to retrofit 24 school buses with active Level 3 PM traps for the additional amount of up to \$168,000; and
 - c. William S. Hart School District, Newhall School District, and Saugus Union School District to allow for the use of their fueling infrastructure grant award funds for a joint project fueling station.
- 3. Approve issuance of Program Announcement PA #2012-01 to solicit applications from public school districts to replace pre-1987 buses with new CNG buses with the remaining program and interest funds from the Proposition 1B-Lower Emission School Bus Program Fund (82).

Barry R. Wallerstein, D.Env.
Executive Officer

CSL:MMM:FM:RG

Background

CARB allocated a total of \$71,179,635 to the AQMD as its share of the Proposition 1B-Lower Emission School Bus Program, comprised of \$68,866,297 in project funds and \$2,313,338 in administrative funds. To date, AQMD has committed about \$67.5 million of the Proposition 1B funds to award nearly 400 new school busses for replacement of pre-1987 buses, and 700 particulate traps for the retrofit of newer buses.

Proposal

At its December 2010 meeting, AQMD issued program announcement PA #2011-05 soliciting applications to retrofit school buses with PM traps under the Proposition 1B-Lower Emission School Bus Program. Ten public school districts and three private transportation companies applied for 60 retrofits. Staff recommends the Board approve funding for the retrofit of 60 school buses with PM traps as outlined in Table 1, in an amount not to exceed \$1.2 million from the Proposition 1B-Lower-Emission School Bus Program Fund (82).

Staff also recommends the Board's approval for amendment of contracts with the Los Angeles Unified School District (LAUSD) and Tumbleweed Transportation. The amendment with LAUSD will provide an additional \$7,864 per bus as approved by CARB, to pay for air conditioning units on 18 propane school buses replacing pre-1987 school buses for the total

additional amount of up to \$141,552 from the Proposition 1B-School Bus Fund (82). The amendment with Tumbleweed Transportation will allow the retrofit of 24 school buses with Level 3 active, instead of passive, traps for the additional amount of up to \$168,000 from the Proposition 1B-Lower Emission School Bus Program Fund (82).

The Saugus Union School District, Newhall School District, and William S. Hart Union High School District were awarded school bus replacement grant awards in July 2009 (Contract Nos. G09210, G09209 and G09212, respectively), with a portion of the grant award designated for alternative fuel infrastructure. These school district recently requested that their grant award agreements be amended to allow them to pool their fueling infrastructure funds and use them for upgrades and operation expenses at a shared site. Their existing agreements require them to fund their own facilities only. Staff is recommending that the Board grant their request because it maximizes limited school district resources.

Finally, staff proposes the Board approve the issuance of the attached program announcement to solicit applications from public school districts to replace pre-1987 buses with new CNG buses with the remaining program and interest funds from the Proposition 1B-Lower Emission School Bus Program Fund (82). The proposed program announcement is modified from past issuances by clarifying that school districts may request funds to pay for fueling infrastructure that is shared by multiple school districts.

Outreach

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

Additionally, potential bidders may have been notified utilizing AQMD's own electronic listing of certified minority vendors. Notice of the RFP/RFQ has been mailed to the Black and Latino Legislative Caucuses and various minority chambers of commerce and business associations, and placed on the Internet at AQMD's Web site (<http://www.aqmd.gov>). Information is also available on AQMD's bidder's 24-hour telephone message line (909) 396-2724.

Benefits to AQMD

The successful implementation of the Lower-Emission School Bus Replacement and Retrofit Program will provide less polluting and safer school transportation for school children and will reduce public exposure to toxic diesel particulate matter emissions. In addition, these awards comply with AB 1390 requirements, such that it would reduce air pollution in low-income, high-diesel and high-PM10 exposure areas as well as enhance the objectives of the Environmental Justice and Children's Health Initiatives adopted by the AQMD Board.

Resource Impacts

Total funding for the recommended awards and the contract amendments shall not exceed \$1,509,552 from the Proposition 1B-Lower Emission School Bus Program Fund (82).

Attachments

1. Table 1: Recommended Awards for PM Trap Retrofits
2. Program Announcement PA #2012-01 for School Bus Replacements

Table 1: Recommended Awards for PM Trap Retrofits*

Recipient Name	Trap Awards	Total Award for Traps*
Alhambra Unified School District	5	\$100,000
Castaic School District	5	\$100,000
El Monte Union School District	1	\$20,000
Hemet Unified School District	9	\$180,000
Rowlands Unified School District	2	\$40,000
Lynwood Unified School District	7	\$140,000
Magnolia School District	3	\$60,000
Nuview Union School District	2	\$40,000
Ontario-Montclair School District	2	\$40,000
Rialto Unified School District	2	\$40,000
JFK Transportation	4	\$80,000
Tobinworld	8	\$160,000
Town Ride	10	\$200,000
TOTAL	60	\$1,200,000

* The award amount of \$20,000 per trap includes unit cost and installation of the trap and any other costs associated with trap maintenance, and electrical cleaning equipment.

Attachment

***Announcing SCAQMD's
Lower-Emission School Bus Replacement Program for
Public School Districts***

***New Alternative Fuel School Bus Program to Replace
1977-1986 School Buses***

July 8, 2011

**Program Announcement & Application
PA 2012-01**

(Closing date for School Bus Applications: August 19, 2011, 4:30 pm)

AQMD reserves the right to change any criteria such as the schedule, qualifications, and selection criteria outlined in this Program Announcement & Application.

July 8, 2011,

Highlights of Program Announcement, “PA #2012-01”

- **Funding Sources**

The South Coast Air Quality Management District (AQMD) is pleased to announce another round of funding opportunity for the implementation of the “Lower-Emission School Bus Program” in the South Coast Air Basin. This program, which supplements earlier programs, is designed to assist school districts to replace pre1987 diesel school buses and purchase equivalent number of alternatively fueled clean school buses.

This program announcement, PA #2012-01 has an application deadline of Friday, August 19, 2011. PA #2012-01 will be financed primarily by the following four sources

- State Proposition 1B (Prop1B) funds;
- AQMD’s AB 923 funds; and
- Anticipated Prop1B interest earnings.

PA #2012-01 will be subject to the 2008 CARB Lower Emission School Bus Program Guidelines published on April 2008, and associated advisories.

- **Replace 1977-1986 school buses**

Applicants have to agree to dismantle 1977-1986 school buses. (If a pre1987 school bus is repowered with an engine newer than 1986, that bus will be disallowed.)

Only public school districts and joint power authorities are eligible to apply. Public school districts are required to provide \$15,000 in match funds to purchase a new alternative fuel bus. Furthermore, from AB 923 funds, AQMD will provide an additional 10% funding per bus for CNG infrastructure, up to \$14,000, for every bus awarded.

The Appendix provides further details of the program, procedures to apply, and the application forms. The **original and three** copies of the application must be received by AQMD **by Friday, August 19, 2011**, no later than 4:30 p.m.

Awarded recipients must sign contracts to purchase new school buses with bus vendors by **December 15, 2011** to allow these buses to be physically delivered to the school district, and infrastructure completed by April 15, 2012. In case of delay in delivery, a penalty of \$100 per day per bus may be imposed on bus vendors.

Award recipients are required to operate the school buses within the South Coast Air Basin and cannot transfer ownership to another entity without explicit written permission from AQMD.

Should you have any questions regarding this Program Announcement, please contact

- Ranji S. George, Program Supervisor, at (909)396-3255, Email: rgeorge@aqmd.gov.

The program announcement and application document can also be accessed via the Internet by visiting AQMD's website at www.aqmd.gov/rfp PA #2012-01.

Our main objective is to reduce children's exposure to harmful emissions from diesel school buses. We look forward to receiving your application. Please list details of all the pre1987 school buses, over 14,050 lbs GVW, that remain in the fleet, which are being proposed for replacement.

ATTACHMENTS

Application Form and Procedures to Apply for School Bus Replacement Funds (for both 1977-1986 buses

CERTIFICATIONS AND REPRESENTATIONS:

- All applicants need to fill in the campaign disclosure forms
- All Applicants need to provide updated Business Contact Information
- New Applicants fill in the Taxpayer ID information

***New Alternative Fuel School Buses to Replace
1977-1986 School diesel buses***

***(Only Public School Districts and Joint Power
Authorities are eligible to apply)***

PA #2012-01

(Closing date: August 19, 2011)

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Application:

Please return the filled out Application Form (4 pages), CHP 292s and DMV for the listed pre1987 buses, Business Contact Form (1 page), and Taxpayer ID information (1 page).

Section I.A: Program Introduction

In November 2006, California voters approved Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Proposition 1B provided \$200 million for school bus retrofit and replacement to reduce air pollution and children's exposure to diesel exhaust. From these funds, about \$7 million were set aside for bond financing costs. The state legislature, under SB 88, appropriated \$193 million in the 2007-2008 fiscal year budget. SB 88 assigned CARB to administer the Lower-Emission School Bus program, and instructed CARB to allocate these funds to various air districts based on the number of 1977-1986 buses in that air district.

At its December 2008, July 2009, May 2010 and December 2010 meetings, using Proposition 1B funds, the Board made several awards for School Bus Replacement and School Bus Retrofits. The Board committed about \$68.5 million to school bus replacement and retrofit projects. The Board's Proposition 1B awards will help in replacing about 400 pre-1987 buses with new CNG buses, and retrofit nearly 700 school buses with Level 3 PM traps.

This action is to allocate the remaining uncommitted balance of Prop1B funds, and anticipated interest earnings on the Proposition 1B Fund, for the replacement of 1977-1986 diesel buses with new alternative fuel buses.

An additional ten percent from AB 923 funds is also being reserved for fueling infrastructure in an amount not to exceed \$14,000 per CNG bus awarded. For replacing 1977 through 1986 model year school buses, school districts are required to provide up to \$15,000 as their local match funding.

Summary

Since the inception of the school bus program in year 2001, using a combination of state and its own funds, AQMD has awarded nearly \$200 million to replace about 900 older diesel buses with new CNG buses, and to retrofit approximately 3,500 diesel buses with PM Traps. More than 50 percent of these funds have been awarded to schools located in disproportionately impacted areas in compliance with the requirements of AB1390 (Firebaugh). Through this program announcement the remaining balance of the available funds and the interest will be committed to new school bus replacement projects.

Emission Limits

- A model year 2010 or newer alternative fuel bus must be purchased and certified to an emission limit of 0.2 g/bhp-hr (NMHC and NOx) and 0.01 g/bhp-hr for PM.

I.B. PROGRAM SCHEDULE

The implementation schedule is outlined below. *If more applications are received than available funds, then AB 923 may be used subject to the Board's approval.*

Tentative Schedule for School Bus Replacement Program

July 8, 2011 (Friday)	Issue the Program Announcement & Application PA #2012-01
August 19, 2011 (Friday)	Applications due by 4:30 p.m. for school bus replacements (only public school districts and joint power authorities are eligible).
November 4, 2011 (Friday)	AQMD Board to consider approval of the school bus replacement awards.
December 15, 2011	All school bus orders must be placed with vendors by school districts. Copies of vendor quotes, and purchase orders faxed to AQMD (attn. Ms. Drue Hargis, fax (909) 396-3774).
April 15, 2012	New buses delivered and CNG infrastructure completed.
May 15, 2012	All requests for reimbursement submitted by school districts, along with required documentation, including evidence of bus(es) dismantled.

I.C. APPLICATION SUBMITTAL

The applicant shall submit **four copies** (1 original and 3 copies) of the application, each marked "**Program Application PA #2012-01.**" These four copies should be placed together in a sealed envelope, plainly marked in the upper left-hand corner with the name and address of the applicant, **no later than 4:30 p.m., Friday, August 19, 2011.**

The application package must be addressed to:

Mr. Dean D. Hughbanks, Procurement Manager
**Re: “Program Application PA #2012-01
- School Bus Replacement Program”**
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

All the applications must be **signed by the school district’s Superintendent**, committing the required match funds of \$15,000 for each new bus requested.

I.D. PARTICIPATION GUIDELINES, REQUIREMENTS, & CONDITIONS

GRANT PROVISIONS FOR SCHOOL BUS REPLACEMENT & INFRASTRUCTURE

A. School Bus Replacement Criteria Overview

1. Only California public school districts that own and operate school buses, including under provisions of a joint powers authority, can apply for funding. The program is for replacement of
 - 1977-1986 school buses with new alternative fuel buses, and

All the replaced and the new replacement buses must have a manufacturer gross vehicular weight rating (GVWR) of greater than 14,050 pounds and be powered by a heavy-duty engine (CARB classification).

2. Only replacement buses will be funded. Fleet expansion buses are not eligible for funding.
3. Based on CARB’s updated emission standard criteria, engine manufacturers with heavy-duty engines currently participating in the Lower-Emission School Bus Program would be eligible for funding from this program:
 - For model years 2010 or newer, school buses must meet the emission criteria of 0.2 g/bhp-hr NMHC + NOx or lower, and 0.01 g/bhp-hr PM or lower.
4. Availability of alternative fuels to refuel the newly acquired buses shall be documented. The school district can apply for fueling infrastructure funds. If awarded, school districts are eligible up to additional ten percent of the bus award, not exceeding \$14,000 per CNG bus from AB 923 funds.

5. Priority shall be given to replacement of the oldest buses from the group of buses applied for the program.
6. All the replaced 1977-1986 school buses must be dismantled.
7. Pre1987 buses, whose bus engines were repowered to engines newer than 1986, will not be eligible under this program.
8. All replaced buses (1977-1986 engines) must be in current use, must have a CHP certificate valid as of Dec 31, 2005 and continuously thereafter to present. The application form calls for specific information related to the replaced bus, including current DMV license, and CHP 292s since 2005. Additional information as evidence that these buses are in operation may be required.
9. Complete documents pertaining to the replaced bus, new bus purchase, vendor quotes, proof of dismantling must be kept in files for a period of seven years after the date of removal of the existing bus. A clear photo of the engine ID label, showing VIN# and Engine Serial # of the crushed bus, must be included in this documentation.
10. Access to the files listed in (9) above, and personnel involved in the transactions, should be allowed in the event of an audit from either federal, state or local authorities or their designees.

B. Infrastructure Criteria Overview

1. If funds for fueling infrastructure are required, the applicant must say so, and provide justification for the funds requested.
2. Requested funds should offset the cost of procuring new slow-fill alternative-fuel refueling equipment or expanding the capacity of an existing refueling station.
3. New capacity requested will be directly related to the capacity needed by the new alternative fuel buses awarded through this program.
4. Upon approval, funding may be used to purchase slow-fill equipment or used to buy down the cost of a public access fast-fill facility, or an alternative form of fueling arrangement, based on estimated cost of slow-fill capacity needed for the new buses.

FUNDING ALLOCATIONS

A. Amounts of Funding

1. Public school districts can use any legally valid piggy-back bid in state of California to purchase new alternative fuel buses. Examples include, but are not restricted to, the Waterford, Hemet, the Covina-Valley bids or their equivalent. Funding requested for purchase of a bus shall be consistent with the prices on the legally valid piggy-back bid. With the exception of the alternative fuel option, and onboard fire-suppressant system or gas detector system, the applicant is responsible for the cost of any options not included in the prices on the list. AQMD will pay the full cost of purchasing the alternative fuel bus after deducting the school match funds discussed below.
2. AQMD will cover the cost of the optional fire suppression system and/or gas methane detector for a combined total of \$4,000 per bus. If this option (for fire suppression and/or gas methane system) along with the alternative fuel bus cost less than Proposition 1B funding limit of \$140,000, then Proposition 1B funds will be used to pay for this option. If the total cost of the bus and fire suppression/gas detection option exceeds \$140,000, AQMD will pay the difference from its AB 923 funds.
3. The basis for the amount of funding requested for purchase of alternative-fuel refueling infrastructure shall be documented in the application. Amounts requested for funding shall be based on the cost of slow-fill stations. Awards will not exceed 10 percent of the new bus funding awarded to the applying school district, in an amount not to exceed \$14,000 per new alternative fuel bus awarded. These amounts will be paid through AB 923 funds.

B. Matching Fund Requirement

1. Applicants shall provide \$15,000 per bus as match funds, and pay for any additional options except for fire suppressant/methane detection. The remaining balance, including sales tax will be paid by the AQMD.
2. The applicant shall have its share of funds for the fueling infrastructure for the required purchases, installation, and operation of the alternative-fuel refueling infrastructure.
3. The source of match funding for bus purchases and infrastructure shall be documented and attached to this application. If other grant funds are being used as match funding, detailed information on required use of those funds shall be included.

4. Carl Moyer Program funds may not be used as match funding to purchase new buses.

C. *Authorizing Signature*

The submitted application, and its 3 copies, shall have the school superintendent's signature. Applications without authorizing signatures will not be accepted.

D. *Disbursement of Funds*

Funds will be paid on a reimbursement basis at the time of vehicle delivery to the applicant. All buses must be physically delivered to the customer by **April 15, 2012**.

1. Proof of vehicle delivery must accompany any request for reimbursement of approved funds. This proof of receipt must include full details of the delivered bus along with VIN number, DMV license plate number and the options included. School district must identify any options purchased over and above those included in the base price, and the alternative fuel option. Besides the fire suppression and/or gas detection systems, for which AQMD will pay up to \$4,000, other discretionary options must be paid by the school district. The receipt of vehicle should be signed by the Director of Transportation before submission to AQMD.
2. All requests for reimbursement along with proof of dismantling must be received by **May 15, 2012**. Monies owed will be paid directly to the bus vendor.
3. Funds will be paid on a reimbursement basis at the time of completion of the alternative-fuel refueling facility. CNG infrastructure must be completed by **April 15, 2012**. Proof of completion shall accompany any request for reimbursement of approved funds. All requests for reimbursement must be signed by the transportation director and received by AQMD before **May 15, 2012**. Monies owed will be paid directly to the infrastructure provider.

PROJECT IMPLEMENTATION

A. *Project Selection and Award of Funds*

From the pool of buses requested for replacement, per enabling legislation SB88, the oldest buses will be replaced first.

AQMD will also comply with the requirements of AB1390 (Firebaugh), by ensuring that one-half of the total funding will be awarded to directly benefit low-income communities and communities of color that are disproportionately impacted by air pollution. Poverty level, PM exposure, and toxic exposure will be considered according to the following criteria:

- A) Poverty Level: All school districts in areas where at least 10% of the population falls below the Federal poverty level based on the Year 2000 Census will be eligible to be ranked in this category, and
- B) PM Exposure: All school districts in areas with the highest 15% of PM concentration will be eligible to be ranked in this category. Based on an annual average, the highest 15% of PM concentration is 46 micrograms per cubic meter and above, or
- C) Toxic Exposure: Based on AQMD's MATES II estimates, all projects in areas with the highest 15% of toxic exposure, will be eligible to be ranked in this category. The highest 15% represents a cancer risk of 1,139 in a million and above (MATES II study).

Any applicant qualifying based on both the poverty level and either PM or toxic exposure categories will qualify for disproportionate impact funding. Additionally, applicants unable to qualify or not receiving awards under AB 1390 can qualify for the remaining 50 percent of the funds on a first-come-first served basis.

B. Project Completion Deadlines and Penalties

- 1. School bus purchase orders must be placed no later than December 15, 2011.
- 2. New buses must be delivered no later than April 15, 2012. The business entity responsible for delaying the delivering of the buses may be subject to \$100 per day per bus penalty for buses delivered after April 15, 2012.
- 3. All requests for reimbursement for purchases submitted by school districts, along with evidence of bus dismantled, and other documentation, should be submitted to AQMD by May 15, 2012.

C. Monitoring and Reporting

- 1. School districts must notify the AQMD's Technology Advancement Office, when the funded buses are ordered and again when the buses arrive on site. Prior to re-imburement, an inspection by AQMD may be required.
- 2. School districts must notify the AQMD's Technology Advancement Office, when any equipment is ordered for the refueling station, and when the equipment is operating. Prior to, or following re-imburement, an inspection by AQMD may be required.

I.E. IF YOU NEED HELP

This Program Announcement and Application can be obtained by accessing the SCAQMD web site at www.aqmd.gov/rfp . SCAQMD 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, Administrative, or Technical Assistance**, please contact:

Ranji S. George
Program Supervisor
Technology Advancement Office
Phone 909 396-3255
Fax: 909-396-3252
rgeorge@aqmd.gov

- For **Questions on Invoices and Contracts**, please contact:

Drue Hargis
Contracts/Invoices Specialist
Technology Advancement Office
Phone: 909 396-3237
Fax: 909 396 -3774
dhargis@aqmd.gov

Appendix A

Lower-Emission School Bus Program

**APPLICATION FOR LOWER-EMISSION SCHOOL BUS REPLACEMENT AND
INFRASTRUCTURE GRANT**

Fiscal Year 2011-2012

PA #2012-01

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**GRANT APPLICATION FORM FOR THE
LOWER EMISSION SCHOOL BUS REPLACEMENT PROGRAM
Program Announcement PA #2012-01**

School District: _____

Street Address: _____

City: _____ County: _____ State: CA. Zip Code: _____

School District Primary Contact Person: _____

Name/Title (please print): _____

Phone No.: _____ Ext: _____ Email: _____ Fax: No.: _____

Alternative Contact (name, title, phone, email address – please print)

of Buses Requested _____ Total Bus Replacement Funds
Requested _____

Matching Funds Amount (at \$15,000 per bus) _____

List special bus options ordered by School District _____

Sources of School District Matching Funds (please list by amount):

Written documentation must be attached to this application explaining in detail the source of matching funds, and the need for CNG infrastructure funds. Also, an authorizing resolution from the school board approving the matching funds must be attached. In lieu of such school board resolution, the school district's Superintendent's signature is required for this application.

Fueling Infrastructure Funds Amount Requested: _____

of CNG buses owned and currently operated by School District: _____

If not on premise, identify the nearest refueling facility and one-way distance to the facility: _____

Superintendent's **Signature/Phone#**: _____

Name of School Official (please print): _____ Date Signed _____

INFORMATION ON EXISTING BUSES TO BE REPLACED
*(the oldest bus in the fleet first)**

- 1977-1986 Buses and/or (to be replaced by Proposition 1B funds)
- Buses with repowered bus engines (newer than 1986) not eligible

* Please also provide this information electronically to AQMD in an Excel Worksheet
(attn: Ranji George at rgeorge@aqmd.gov).

Bus ID No.**	VIN No.	GVWR (must be at least 14,000 lbs)	Odometer Mileage	Year Built	Bus Manufacturer	Engine Make & Model	DMV License Plate

**Attach latest CHP 292 certificate for each bus listed above. Without CHP certificate, application will not be processed. CHP certificate for each bus must be valid on Dec 31, 2005 and must be continuously valid to present . (Attach a note if there is any problem or issue we need to address.)

- Besides the above, are there any remaining 1977-1986 buses in the fleet with a gross vehicular weight rating of over 14,000 pounds: _____
- Are all the remaining pre1987 buses in the fleet being proposed to be replaced _____ (Yes/No)
- If some pre1987 buses remain in the fleet other than those listed above, please explain why these remaining buses are not being replaced_____

**INFORMATION ON NEW ALTERNATIVE FUEL BUSES
PROPOSED TO BE PURCHASED**

(Purchase information of the new buses must be from a legally valid piggy-back bid)

Name of Vendor	Final Price quoted by Vendor (inclusive of sales tax) *	Make	Model	Year	GVWR	# of Passengers

* In a separate piece of paper attached to this application, **please identify any discretionary options being** purchased by the school district.

- Besides the fire suppressant or gas detector, and the alternative fuel package, AQMD will not pay for any discretionary option above those included as standard in the base bid.

Please document availability of alternative fuel refueling station for the new bus purchases:

FUEL INFRASTRUCTURE GRANT APPLICATION

Please answer all questions below. If non-applicable, write N/A.

Amount of funds requested: _____

Number of new CNG school buses applied for: _____

Number of CNG buses presently on site: _____

The requested funds will be used for (please circle one):

New Facility / Upgrade Existing Facility/ Multiple Access Fueling Facility

Local Gas Utility Company

Distance (miles) to nearest off-site CNG Fueling Station: _____

Please attach a statement of reasons why it is not feasible to refuel at an off-site fueling station.

Existing fueling station:

Actual size of on-site CNG compressor, if any (In CFM) _____

Model year and name of CNG compressor(s) currently on site _____

CNG Fuel Storage Capacity if any: _____

Actual number of CNG Fueling Posts (two hoses/post): _____

Natural Gas Pressure at Main (PSIG): _____

Is this station accessible to the public? YES / NO

New fueling station:

CFM capacity needed for additional buses: _____

Number of CNG Fueling Posts needed (two hoses/post): _____

Will this station be accessible to the public? YES / NO

SAMPLE



**South Coast
Air Quality Management District**

Lower-Emission School Bus Replacement Funding Program

GRANT AWARD AGREEMENT

Pursuant to Program Announcement # 2012-XX

Your grant application for funding to replace 1977-1986 school buses has been approved for funding by the South Coast Air Quality Management District ("AQMD") Governing Board, as follows:

1. PARTIES - The parties to this Grant Award Agreement ("Agreement") are the South Coast Air Quality Management District ("AQMD") whose address is 21865 Copley Drive, Diamond Bar, California 91765-4178, and [REDACTED] ("GRANTEE") whose address is [REDACTED].
2. FUNDING AND PROJECT MILESTONES

Grant Recipient ("Grantee")	
Grant Number	
Number of CNG School Buses Awarded	
Required School Match for Above Buses (\$15,000 per 1977-1986 bus)	
(a) Total School Bus Replacement Grant Award	Up to \$ _____
(b) Total Infrastructure Grant Award	Up to \$ _____
(c) Total Award for Installing Fire-Suppression and/or Methane Detention System (maximum of \$4,000 per bus)	Up to \$ _____
Maximum AQMD Award (a+b+c)	Up to \$ _____
Source of Funds	Prop 1B Funds (for replacing 1977-1986 buses) AB 923 Funds
Deadline for Installation of CNG Station	April 15, 2012
Deadline for Physical Delivery of All Buses	April 15, 2012
Deadline for Submitting All Documents for Payment	May 15, 2012

SAMPLE

AQMD will pay only for a new CNG bus acquired through a legally valid competitive bid in California, and only up to an amount not exceeding the base price (covering listed base options), the cost of the CNG option and sales tax, less GRANTEE'S required match amount. If this amount exceeds the ceiling award per bus, AQMD will pay only up to the ceiling award per bus. The ceiling award per bus is \$ 140,000.

3. TERMS & CONDITIONS – As a condition of this grant award, you must comply with all the terms and conditions set forth in this Grant Award Agreement, including those described in Attachment A (Information on the CNG Bus(es) To Be Purchased), Attachment B (List of Buses To Be Replaced and Permanently Removed) and Attachment C (Program Announcement), which are incorporated herein as part of this Agreement. New CNG buses purchased under the Lower-Emission School Bus Program must also comply with the latest California Air Resources Board (“CARB”) Guidelines for the Program, incorporated herein, which include, but is not limited to, CARB’s NOx and PM engine certification standards. The 2008 Guidelines for the Lower-Emission School Bus Program can be viewed at <http://arb.ca.gov/bonds/schoolbus/guidelines/2008lesbp.pdf>.
4. ENFORCEMENT – AQMD and the California Air Resources Board (“CARB”) have the authority to enforce the terms of this Agreement at any time during the Agreement term plus two years. AQMD and CARB will seek whatever legal, equitable and other remedies are available under State Law for the GRANTEE'S failure to comply with the terms of this Agreement or with the Lower-Emission School Bus Program requirements incorporated herein.
5. AGREEMENT TERM – The term of this Agreement is from the date of execution by both parties to five years from the date the last replacement bus is placed in service. No work shall commence until this Agreement is fully executed by all parties. Notwithstanding the above end dates, the Agreement term shall encompass both the project completion and project implementation/life periods, whichever is longer, to ensure that the AQMD and CARB can fully enforce the Agreement during the life of the Lower-Emission School Bus Program-funded project. The project must comply with the Lower-Emission School Bus Program Guidelines and criteria and must meet all Program requirements for the full agreement term.
 - A. Project Completion – Project completion is the time frame starting with the date of Agreement execution by both parties to the date the project becomes operational. This includes the time period when the equipment is ordered, delivered and installed. The project becomes operational on the date the last bus is placed in service.
 - B. Project Implementation/Life – The project implementation time frame is five years from the date of project completion (i.e. the date the project becomes operational). GRANTEE must own and operate the new bus in the South Coast Air Basin for five years or more.
6. NON-COMPLIANCE – As a condition of this Agreement, AQMD reserves the right to cancel this Agreement or withhold payment for GRANTEE'S non-compliance with the Agreement. Further, AQMD reserves the right to withdraw the offer of this Agreement if it is not executed by GRANTEE and received by AQMD within sixty (60) days of receipt.

SAMPLE

7. AUDIT RIGHTS – AQMD, CARB and the California Department of Finance, or their designee(s), shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. GRANTEE agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. GRANTEE must include a similar right of the State to audit records and interview staff in any subcontract related to the performance of this Agreement.
8. ON-SITE INSPECTIONS – AQMD, CARB or their designee(s) shall have the right to inspect the new bus during the entire Agreement term plus two years, as long as it is still in use after the Agreement term.
9. RECORDS AND RECORDS RETENTION – GRANTEE shall maintain records related to this project and retain these records for the Agreement term plus two years. These records include, but are not limited to, the following:
 - A. Application;
 - B. Resolution from the school district governing board (or other documentation signed by a duly authorized official) authorizing the submittal of the application and identifying the individual authorized to implement the bus replacement project;
 - C. Vendor quotes;
 - D. Executed contracts/agreements;
 - E. Copy of the purchase order for the new replacement bus
 - F. Copy of the ARB certification executive order for the engine of the new replacement bus in the purchase order
 - G. Invoice(s);
 - H. Proof of payment;
 - I. Copy of the Inspection Approval Certificate (CHP form 292) for the replaced bus. This certificate must indicate continuous certification for a minimum of 3 years since Dec 31, 2005.
 - J. Copy of the registration for the replaced bus;
 - K. To document the GVWR for any bus that is to be replaced, a photograph of the bus's data tag must be taken and retained in the files. The photograph must be legible and preferably in electronic format.
 - L. Copy of the registration for the new replacement bus.
 - M. Documentation of the disposal of the replaced bus. This documentation must include documents identified in Clause 10 below.
10. DISPOSAL OF REPLACED BUSES – The replaced bus must be dismantled in accordance with the definition of "dismantle" set forth in Appendix A of the 2008 Guidelines for Lower-Emission School Bus Program, which defines "dismantle" as "to punch, dismantle, stamp, hammer, shred or otherwise render permanently and irreversibly incapable of functioning as they were originally intended, any vehicle or vehicle part." GRANTEE must ensure that the engine and power-train are irreversibly destroyed. The Vehicle Identification Number (VIN) of the dismantled bus must match the VIN on Attachment B. GRANTEE must ensure that the replaced bus is dismantled within three weeks of the receipt of the new replacement bus. GRANTEE shall obtain and retain the following documentation for the Agreement term plus two years:

SAMPLE

- A. A copy of the Department of Motor Vehicles Dismantlers Notice of Acquisition/Report of Vehicle To Be Dismantled (REG 42), listing the VIN of the replaced bus to be dismantled.
 - B. A letter signed and dated by a representative of the entity that dismantled the bus. The letter must contain the following:
 - i. State that the vehicle and engine were dismantled in accordance with the definition of "dismantle" set forth in Appendix A of the 2008 Guidelines for Lower-Emission School Bus Program.
 - ii. The VIN of each dismantled bus, the method used to dismantle the non-engine portion of the bus, and the date the non-engine portion of the bus was dismantled.
 - iii. The engine serial number of each dismantled bus, the method used to dismantle the engine, and the date the engine was dismantled.
11. INVOICE AND PAYMENT – Before a Lower-Emission School Bus Program payment is made to a vendor or to GRANTEE, this Agreement must be executed and the following documentation must be received by AQMD by **May 15, 2012**.
- A. Total invoice for each bus identifying full details of each bus delivered, special options ordered by the GRANTEE over the base CNG package, sales tax, GRANTEE's contribution, and AQMD'S contribution. Bus details must include make, model, year, VIN, passenger capacity, gross vehicle weight, and wheel-chair capacity, if any.
 - B. Cover letter signed by GRANTEE's Director of Transportation, or his/her equivalent, confirming:
 - i. Details of the new buses delivered, including VIN for each bus;
 - ii. The number of buses manufactured prior to the new seat belt law;
 - iii. Grant number to which the invoice should be charged;
 - iv. Date when the bus was physically delivered to the GRANTEE;
 - v. Whether or not a fire-suppression system was installed;
 - vi. Approval of the invoice, and its contents;
 - vii. That AQMD should pay AQMD's contribution to the bus vendor directly; and
 - viii. That the GRANTEE will pay its contribution directly to the bus vendor.
 - C. The latest DMV and CHP certificate(s) for the replaced bus(es) indicating that these 1977-1986 buses were operating before being dismantled.
 - D. Photograph of the bus engine ID label (of the dismantled bus) indicating VIN# and Engine Serial #.
 - E. The documents regarding disposal of the replaced bus, as described in Clause 10.
 - F. A copy of Attachment B to this Agreement, identifying and highlighting the buses listed in Attachment B that were dismantled. VIN(s) and details of the dismantled bus(es) submitted with the invoice must match Attachment B.

Please submit all documentation to Drue Ann Hargis, TAO Contracts, AQMD, 21865 Copley Drive, Diamond Bar, CA 91765. All documentation described above must be received by May 15, 2012.

SAMPLE

12. LIQUIDATED DAMAGES

- A. Time is of the essence for the purchase of new school buses to replace older, higher-polluting buses. Failure to timely deliver the new school buses will result in harm to AQMD, GRANTEE, schoolchildren, and air quality in the affected school(s). Further, every day in which delivery of a new school bus has been delayed may result in additional costs to AQMD and GRANTEE to rent or lease an equivalent bus or otherwise mitigate the damages from the delay; such costs are definite but unquantifiable at the time of execution of the Agreement. Therefore, GRANTEE acknowledges and agrees to pay liquidated damages for failure to timely deliver the new school bus(es), as follows:
 - i. For every day after April 15, 2012 in which a bus has not been delivered as specified in this Agreement, GRANTEE shall be liable to AQMD for liquidated damages in the amount of One Hundred Dollars (\$100) per day per bus purchased with funds from the Lower-Emission School Bus Program.

13. OWNERSHIP AND OPERATION

- A. GRANTEE shall accrue at least 75% of each vehicle's annual mileage or engine hours of operation within the geographical bounds of the AQMD.
- B. GRANTEE is prohibited from removing the replacement school bus from service in California during the term of this Agreement, unless the replacement school bus become inoperable through mechanical failure of components or systems, and cannot be repaired or replaced, and such failure is not caused by GRANTEE'S negligence, misuse, or malfeasance.
- C. GRANTEE must own and operate the replacement school bus for five years or more.
- D. At the conclusion of the 5-year period of ownership and operation, GRANTEE must provide AQMD proof that GRANTEE satisfied the above requirements, which may include copies of the annual CHP certificates for those five years and/or a letter from the GRANTEE's Director of Transportation or his/her equivalent stating GRANTEE has complied with the above requirements.
- E. If the replacement bus is taken out of service permanently, GRANTEE shall notify AQMD in a timely manner.

14. MAINTENANCE – GRANTEE shall operate and maintain the new school bus(es) funded under this Agreement in accordance with the manufacturer's specifications.

15. PURCHASE ORDER AGREEMENTS

- A. GRANTEE must incorporate the minimum contracts requirements described in Appendix C of the 2008 Guidelines to Lower-Emission School Bus Program applicable to this project in purchase order agreements with vendors.
- B. Further, the purchase agreement with vendors must contain the following liquidated damages provision:
 - i. Time is of the essence for the purchase of new school buses to replace older, higher-polluting buses. Failure to timely deliver the new school buses will result in harm to AQMD, [school district], schoolchildren, and air quality in the affected school(s). Further, every day in which delivery of a new school bus has been delayed may result

SAMPLE

in additional costs to AQMD and [school district] to rent or lease an equivalent bus or otherwise mitigate the damages from the delay; such costs are definite but unquantifiable at the time of execution of this Purchase Agreement. Therefore, vendor acknowledges and agrees to pay liquidated damages for failure to timely deliver the new school bus(es), as follows:

- (1) For every day after April 15, 2012, in which a bus has not been delivered as specified in the Purchase Agreement, vendor shall be liable to [school district] for liquidated damages in the amount of One Hundred Dollars (\$100) per day per bus purchased with funds from the Lower-Emission School Bus Program.

16. CNG INFRASTRUCTURE [if applicable]

- A. COMPLIANCE WITH ALL LAWS – AQMD requires that CNG infrastructure be installed by a licensed contractor and recommends that the contractor have substantial direct experience in installing CNG infrastructure. CNG infrastructure funded under this Grant Agreement must comply with all applicable laws, regulations, and codes, including but not limited to, those pertaining to building, safety, fire, health, public contracting, and public works. In addition, AQMD recommends compliance with any local codes that may provide additional safety. At a minimum, GRANTEE must have a fire permit or equivalent certification by a licensed engineer, a copy of which must be enclosed with the invoice for infrastructure.
- B. DEADLINE – Infrastructure construction must be completed by **April 15, 2012** unless AQMD grants a written extension due to exceptional circumstances.
- C. PREVAILING WAGES – With respect to any construction of infrastructure, GRANTEE must comply with the prevailing wage requirements of California Labor Code Section 1770 et seq. as applicable. GRANTEE shall be responsible for determining the applicability of the provisions of California Labor Code and complying with the same including, without limitation, obtaining from the Director of the Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work, making the same available to any interested party upon request, paying any applicable prevailing rates, posting copies thereof at the job site, the keeping of all records required pursuant to Labor Code Section 1776, complying with the maximum hours requirements of Labor Code Sections 1810 through 1815 and all applicable prevailing wage rate requirements to its subcontractors.
- D. INDEMNIFICATION – GRANTEE shall indemnify, defend and hold harmless AQMD against any and all claims, demands, damages, defense costs or liabilities based on failure to adhere to the above referenced statutes.
- E. DOCUMENTATION FOR PAYMENT – GRANTEE shall coordinate with all infrastructure contractors to provide AQMD with the following documentation:
 - i. An itemized invoice from the infrastructure contractor verifying installation, acceptance, and operation of the CNG fueling station. The invoice should include applicable details of the equipment installed (make, model, flow rate, horsepower capacity, inlet and outlet pressure, number of dispensing hoses, etc.), the cost of materials and labor, sales tax, warranties, and, if applicable, maintenance agreement.
 - ii. Evidence that a fire permit or equivalent certification by a licensed engineer was issued for installation of the CNG fueling station.

SAMPLE

- iii. Cover letter signed and dated by GRANTEE'S Director of Transportation, or his/her equivalent, confirming:
 - (1) the invoice contents;
 - (2) the Grant number to which the invoice needs to be charged;
 - (3) specific details of the work done;
 - (4) date of completion of infrastructure construction;
 - (5) acceptance of the infrastructure construction;
 - (6) that AQMD should pay AQMD's contribution to the vendor directly; and
 - (7) that the GRANTEE will pay its contribution to the vendor directly.
- iv. Copies of the bid documents, if any, issued by Grantee, responses to the bid, engineering drawings in 8.5 by 11 size, and photos of the final installation.
- v. AQMD prefers that each vendor bill AQMD directly for delivery and installation of CNG infrastructure. If GRANTEE pays a vendor directly and seeks reimbursement from AQMD, GRANTEE must submit copies of the front and back of all cancelled check(s) paid to vendor, along-with the above documents.

The above documents must be provided to AQMD by **May 15, 2012**. Please submit these documents to the attention of Ms. Drue Ann Hargis, TAO, AQMD, 21865 Copley Drive, Diamond Bar, CA 91765.

17. NOTICES – Any notices from either party to the other shall be given in writing to the attention of the persons listed below, or to other such addresses or addressees as may hereafter be designated in writing for notices by either party to the other. Notice shall be given by certified, express, or registered mail, return receipt requested, and shall be effective as of the date of receipt indicated on the return receipt card.

AQMD: South Coast Air Quality Management District
 21865 Copley Drive
 Diamond Bar, CA 91765-4178
 Attn: Drue Ann Hargis

GRANTEE:

[THE REMAINDER OF THIS PAGE IS LEFT BLANK INTENTIONALLY.]

SAMPLE

The undersigned parties agree to the terms and conditions as set forth in this Agreement. The undersigned parties certify under penalty of perjury that they are duly authorized to bind the parties to this Agreement.

GRANTOR:

GRANTEE:

South Coast Air Quality Management district

** School District

By: _____
Dr. William A. Burke
Chairman of the Governing Board

By: _____
Name:*****
Title:*****

Date: _____

Date: _____

ATTEST:
Saundra McDaniel, Clerk of the Board

By: _____

APPROVED AS TO FORM:
Kurt R. Wiese, District Counsel

By: _____

REPRESENTATIONS

- All applicants need to update Business Contact Information
- New Applicants need to Provide Taxpayer ID



South Coast Air Quality Management District

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

Business Information Request **(For All Applicants: please update Contact Information for)**

Dear SCAQMD Contractor/Supplier:

The 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, complete the enclosed W-9 form, remember to sign both 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 Financial Officer

Enclosures: Business Information Request
Disadvantaged Business Certification
W-9
Federal Contract Debarment Certification

REV 2/11



South Coast Air Quality Management District

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

BUSINESS INFORMATION REQUEST

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

REMITTING ADDRESS INFORMATION

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

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

**Attention:
Ms. Drue Hargis, Contracts Coordinator, TAO
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178**

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.

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.

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 Women-owned Business Enterprise
 Local business Disabled Veteran-owned Business Enterprise/DVBE Joint Venture
 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.

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 the 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.

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.

Name (as shown on your income tax return)	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	
<input type="checkbox"/> Exempt from backup withholding	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
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 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.

Social security number

or

Employer identification number

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

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. person (including a U.S. resident alien).

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 4.)

Sign Here

Signature of U.S. person ▶

Date ▶

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

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.

Note. If 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.

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

• Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (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 recipient 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 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.



United State Environmental Protection Agency
Washington, DC 20460

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.

EPA Form 5700-49 (11-88)



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 Pollution Reduction 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 members/alternates 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 #: P2012-01

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

SECTION II

Has contractor and/or 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 members/alternates 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

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).