



Alternative Fuel Infrastructure Funding Opportunities

**For New and Expanded Refueling Facilities in the South Coast
Air Quality Management District**

Program Announcement

PA2012-10

March 2, 2012

SECTION 1 - INTRODUCTION

The Mobile Source Air Pollution Reduction Review Committee (MSRC) is pleased to announce the availability of **Clean Transportation Funding™** to assist in the construction of Alternative Fuel Refueling Infrastructure within the South Coast Air Quality Management District.

This funding opportunity has at its core the following goals and objectives:

- Offer funding opportunities to *most*, if not all, entities interested in pursuing alternative fuel infrastructure projects, including public and private site owners, fleet owners, infrastructure providers, fuel providers, and school districts;
- Provide incentives for the construction or expansion of alternative fuel refueling stations;
- Provide an additional funding incentive for refueling stations that utilize CNG produced from renewable sources;
- Offer incentives to fleets to upgrade their existing vehicle maintenance facilities to accommodate indoor maintenance of gaseous-fuel vehicles;
- Support fleets purchasing alternative fuel vehicles in compliance with the South Coast AQMD Fleet Rules, or pursuing vehicle incentives under the South Coast AQMD Carl Moyer Program.

To reduce the need to photocopy, package, and physically submit paper applications, the FY-2011-'12 Edition of the Alternative Fuel Infrastructure Program ***requires that applications be submitted electronically in PDF format using the MSRC Website.*** We believe this benefits the applicant, the MSRC staff, and the environment. As the online submittal process is a “new way of doing business” for both the MSRC and the project applicant, a tutorial has been developed to walk applicants step by step through the electronic application submittal process. This tutorial is available on the MSRC Website at www.cleantransportationfunding.org. Look for the tutorial on the Proposal Process – Upload Proposal page.

The following Sections describe requirements for participation, guidelines for application preparation, as well as maximum incentive levels available as a function of the type of refueling infrastructure proposed and type of entity requesting funding assistance. The Alternative Fuel Infrastructure Program is not a competition in the traditional sense. Funding will be distributed on a first-come, first-served basis to applicants that satisfy specified project requirements. However, as funding is limited, the availability of funds cannot be guaranteed.

MSRC staff members are available to answer questions and provide technical and programmatic 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 - PARTICIPATION GUIDELINES

The following guidelines, requirements, and conditions have been established and apply to all applicants:

1. **Funding Availability** - The amount of FY 2011-12 MSRC Clean Transportation Funding allocated for the Alternative Fuel Infrastructure Program is \$4,000,000. Please note that this funding level is a targeted amount – should meritorious projects be received totaling greater than the current funding allocation of \$4,000,000, the MSRC reserves the right to increase the amount of total funding available. Also, should the MSRC receive applications with total requests less than the amount allocated, or if proposals are deemed non-meritorious, the MSRC reserves the right to reduce the total funding available and reallocate funds to other Work Program categories. The MSRC also reserves the right to not fund any of the applications received, irrespective of the merits of the applications submitted.

For the purpose of this Program, all qualified project applications received electronically on or before 11:59 p.m. on the first day of the Application Acceptance Period, April 12, 2012, will be deemed received at the same time. In the event the Program is oversubscribed following receipt of first-day applications, an across-the-board pro-rating factor will be determined so that all qualified project applications will receive the same percentage of the award to which they would otherwise have been entitled pursuant to the Program terms. Please note that the Geographic Funding Minimums discussed in paragraph 2, below, will take precedence in the event funding must be pro-rated. ***Qualifying applications received after 11:59 p.m. on April 12, 2012 will be funded in the order of receipt.***

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.

2. **Geographical 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 implement alternative fuel infrastructure projects. At the end of the application submittal period, September 28, 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.
3. **Eligible Applicants** – Most entities interested in implementing alternative fuel refueling station projects within the South Coast AQMD jurisdiction are welcome to participate in the Program. Eligible applicants include, but are not necessarily restricted to:
 - Infrastructure developers and alternative fuel providers;
 - Fleet operators, both public and private, including fleets participating in the AQMD Carl Moyer Program;

- School districts seeking assistance for new compressed natural gas refueling station development;
 - Project teaming by multiple stakeholders, such as real property owners working in partnership with infrastructure providers or fleet operators, joint powers authorities, limited liability partnerships, etc., are eligible to participate. The MSRC does require, however, that a single prime contractor and contract signatory be designated at the time of application submission. ***Please note: the MSRC also requires the applicant to be the entity that will own the fueling equipment;***
4. **Eligible Alternative Fuels** – In order to tie MSRC funding to fuels that have the most commercially available vehicle and engine products, the following alternative fuels are allowable under this Program:
- Compressed Natural Gas (CNG);
 - Renewable Biogas (methane);
 - Liquefied Natural Gas (LNG);
 - Liquefied/Compressed Natural Gas (L/CNG);
5. **Maximum Total Funding Per Entity** – To ensure broad-based participation, the MSRC has established the following maximum funding parameters:
- The maximum total funding award to any public or private entity under this solicitation shall not exceed 20% 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 80% 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; and
 - The total of the MSRC funding award cannot exceed 50% of the Total Project Cost.
6. **Signage Requirements** – Publicly accessible refueling stations that receive an award must have motorist directional signage installed in proximity to the refueling station. This includes identification signs in immediate proximity to the refueling station and directional “trailblazer” signs on major streets and arterials in proximity to the refueling station. The installation of freeway signs is not required. The cost of sign procurement, permitting, and installation may be included as a station capital cost element.
7. **Federal Tax Credits** – Entities that sell, compress and/or dispense alternative fuels may be eligible for a Federal Tax Credit. To promote the use of alternative fuel, the MSRC believes it is appropriate that any Federal Tax credit ultimately reduce the price of fuel dispensed. Therefore, commercial entities seeking MSRC funding, whose primary business is the construction of refueling stations and/or sale of fuel, must disclose how potential Federal Tax Credits are accounted for when developing station cost construction cost estimates and fuel pricing. Please refer to Attachment G.

8. **Funding Restrictions** – MSRC funds cannot be used to fund the following project elements:
- Alternative fuel refueling station maintenance or operations costs, including utility costs, or fuel purchase costs;
 - Purchase or lease of real property.
9. **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 applicant 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.
10. **Certifications** – All applicants must complete and submit the following Attachment H forms 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.
11. **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 Alternative Fuel Infrastructure 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 are 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.
12. **Project Implementation Schedules** - Applicants are expected to provide a realistic project implementation schedule as an element of their application. In order to ensure that MSRC funds are awarded to projects which are ready to proceed, the following requirements apply:
- All stations are expected to be operational within 24 months of contract execution. If a prospective applicant does not expect completion within this time frame, they should consider awaiting future funding opportunities.
 - In the event an application is awarded MSRC funds, the project implementation schedule will become an element of the contract.
 - Once a proposed contract is sent to the applicant for execution, the applicant must negotiate any requested changes and sign and return the contract within six months, or contract negotiations will terminate and the award will be returned to the Discretionary Fund.

- In the event a contractor is unable to meet project milestones and requires additional time, the MSRC reserves the right to administratively authorize a one-time extension to the period of performance, not to exceed an additional one (1) year. No additional extensions to the contract period of performance will be granted.

13. Additional Conditions on MSRC Funding

- MSRC projects are funded on a “site-specific” basis; that is, each project is evaluated with respect to its unique location. Thus, applications that result in an award of MSRC funds are not allowed to change the project implementation location under any circumstances. In the event the project location becomes unavailable, nonviable, or no longer cost-effective, either contract negotiations will terminate or the contract will terminate, as applicable. The award will then be returned to the Discretionary fund. The contractor would be required to submit a new application for evaluation;
- 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 approved location for a period of no less than five (5) years from the date the project is fully implemented. For the purpose of refueling station construction, “fully implemented” is defined as the date the refueling station initiates fueling operations;
- Infrastructure projects funded under this Program Announcement are not eligible to receive additional funds under any other current MSRC Work Program solicitation;
- Infrastructure projects that received MSRC Clean Transportation Funding™ under a previous award are not eligible to seek additional funding for the same project;
- MSRC funds are not intended to fund staff salaries or administrative costs. Reasonable project management costs necessary to implement infrastructure projects are allowable; however, the MSRC reserves the right to reduce or delete program management costs that appear excessive;
- All projects must include a media and community outreach component. Acceptable outreach strategies may include, but are not limited to, a Grand Opening/project kickoff event, press releases, or press conference to highlight the project’s accomplishments;
- Finally, in accordance with state law, all projects awarded MSRC Clean Transportation Funding™ are subject to audit. It is highly recommended that bidders employ government acceptable standard accounting practices when administering their MSRC co-funded project.

SECTION 3 – PROJECT ELIGIBILITY AND INCENTIVE LEVELS

Project Eligibility - The MSRC Alternative Fuel Infrastructure Program offers incentives for a range of infrastructure types, including fast-fill stations, slow or time-fill stations, and limited-fill refueling apparatus. The expansion of existing operational stations to accommodate growing throughput needs is also eligible, **except** that commercial entities whose business is the construction, operation, maintenance, or sale of fuel are not eligible to seek funding for the

expansion or upgrade of their own stations, as these entities have an economic interest in keeping their own stations in an operable condition with sufficient throughput capacity.

Projects must use new refueling station components - The relocation of existing alternative fuel refueling stations, or the reuse of components or equipment from existing stations, is prohibited. Furthermore, exclusively private-access stations are not eligible for funding under this Program Announcement—see Limited Access definition, below. Applications must identify at least one anchor fleet to use the station, and indicate the base number of vehicles committed to fuel at the station and/or the base throughput from that fleet. Applications for station upgrades must provide documentation that the proposed project will result in increased station utilization and increased alternative fuel throughput.

Maximum Incentive Levels – The maximum “per facility” incentive awards under the MSRC’s Alternative Fuel Infrastructure Program are shown in Table 3-1. In no case shall the MSRC funding award exceed 50% of the combined cost of the facility capital equipment, site construction, signage, and reasonable project management costs. The incentive levels also vary as a function of the type of refueling infrastructure proposed and type of entity requesting funding assistance. The following funding maximums apply for both new and expansion refueling station projects and fleet vehicle maintenance facility modification projects:

Table 3-1: Maximum “Per Facility” MSRC Funding Levels

Entity	Fuels	Limited Access	Public Access	Facility Mods	Renewable CNG
Private	Single Fuel	\$100,000	\$150,000	\$75,000	\$100,000
	Multi-Fuel	\$125,000	\$175,000	\$75,000	\$100,000
Public	Single Fuel	\$175,000	\$225,000	\$75,000	\$100,000
	Multi-Fuel	\$200,000	\$250,000	\$75,000	\$100,000

For purposes of this Program Announcement, the following definitions apply:

- **Private Entity** – An applicant which is not a Public Entity as defined below.
- **Public Entity** – A government agency of any level, including but not limited to: municipal, county, State, Federal, special districts, and school districts.
- **Full Public Access** – A “Full Public Access” station is:
 - Open 24 hours per day, 7 days per week to any user;
 - Equipped with a universal card reader system which accepts Visa, MasterCard, and/or American Express, at a minimum; and
 - Has capacity to dispense at least 3 gasoline gallon equivalents (GGE) per hour.
- **Limited Access** – A Limited Access station does not meet one or more of the Full Public Access criteria above. However, the station owner must attest to their willingness to make arrangements for at least one other fleet to use the station, if approached by an interested fleet. The “other fleet” must be a separate legal entity from the station owner.

The owner of a Limited Access station may place reasonable restrictions on the “other fleet’s” hours of access, etc.

- **Multi-Fuel** – Station will be L/CNG, i.e. offering both CNG and LNG fuels.
- **Maintenance Facility Modifications** - In addition to refueling stations, MSRC Clean Transportation Funding™ is available for the modification of existing facilities used for vehicle maintenance and repair. Allowable facility modifications include, but are not necessarily limited to, the following:
 - Installation of building methane detection sensors;
 - Electrical shielding;
 - Heater element explosion proofing;
 - Gas evacuation and ventilation upgrades.
- MSRC Clean Transportation Funding™ levels for maintenance facility modifications are capped at a maximum of 50% of the project costs, not to exceed a maximum of \$75,000 per facility.
- **Renewable Natural Gas** – Stations that utilize CNG produced from renewable sources (biogas) are eligible to receive an additional \$100,000 incentive. ***To qualify for this additional incentive, the facility must use greater than 50% renewable natural gas.***

Project applications that do not reasonably fit within the Eligible Project Categories outlined above will not be approved and will not be eligible to receive MSRC Clean Transportation Funding™. The MSRC retains sole discretion when determining project eligibility.

SECTION 4 - SCHEDULE OF EVENTS

The Alternative Fuel Infrastructure Program will be conducted in accordance with the timeline shown in Table 4-1, below. Project applications may be submitted at any time during the period commencing April 12, 2012 and ending September 28, 2012. *Please note that applications must be received no later than 11:59 p.m. on September 28, 2012. All applications must be submitted electronically through the MSRC Clean Transportation Funding Website. Late applications will not be evaluated and will not be eligible for MSRC funding.*

Table 4-1 - Key Alternative Fuel Infrastructure Program Dates

Program Event	Date
Program Announcement Release	March 2, 2012
Application Submittal Period	April 12 – September 28, 2012
Latest Date/Time for Application Submittal	September 28, 2012 @ 11:59 p.m.
Application Evaluation & Award Consideration	First-come, first-served (geographic funding minimums apply)

SECTION 5 - APPLICATION PREPARATION & ELECTRONIC SUBMITTAL INSTRUCTIONS

A Project Application must be completed and electronically submitted under this Program. As stated in the Introduction, only applications deemed complete will be evaluated and considered for a funding award. Applications must be prepared and submitted in accordance with the instructions outlined below.

1. **Application Preparation** – The following information must be included in all Applications seeking MSRC **Clean Transportation Funding™** under the Alternative Fuel Infrastructure Program:

- a) **Cover letter** - Transmittal of the Application must be accompanied by a cover letter. The letter should also provide the name, telephone and fax numbers, and e-mail address of the contact person(s) for technical and contractual matters, and be signed by the person(s) authorized to contractually bind the applying entity.

For joint Applications, the Proposer must include a statement confirming authorization to act on behalf of the other co-Proposers. The Proposer must include a letter of support, including contact name and telephone/fax number, from all proposing entities of a joint Application.

- b) **Attachments A-H** - Applications must include the following completed Attachments, including all required supporting documentation as requested. Application Templates and Instructions are included in Section 8 of this Request for Proposals; see page 13:

- Attachment A: Proposer Information
- Attachment B: Project Description & Technical Specifications
- Attachment C: Project Cost Breakdown
- Attachment D: Project Implementation Schedule
- Attachment E: Memorandum of Understanding/Memorandum of Agreement
- Attachment F: Utilization Estimates/Letters of Commitment
- Attachment G: Federal Tax Credit Accounting
- Attachment H: Certifications (W-9, DBE, Campaign Contribution Disclosure)

2. **Electronic application submittal process**

In an effort to reduce the need to photocopy, package, and physically submit paper applications, the FY 2011-'12 Alternative Fuel Infrastructure Program requires that applications be submitted electronically in PDF format using the MSRC Website. We believe this benefits the applicant, the MSRC staff, and the environment. As the online submittal process is a “new way of doing business” for both the MSRC and the project applicant, a tutorial has been developed to walk applicants step by step through the electronic application submittal process.

The application that will be submitted as a **PDF document** is comprised of Nine (9) primary sections – these correspond to the Cover Letter and application Attachments A-H as described in the preceding section.

Thus, a complete application will be comprised of the following nine elements:

1. Signed Cover Letter;
2. Attachment A: Proposer Information
3. Attachment B: Project Description & Technical Specifications
4. Attachment C: Project Cost Breakdown
5. Attachment D: Project Implementation Schedule
6. Attachment E: Memorandum of Understanding/Memorandum of Agreement
7. Attachment F: Utilization Estimates/Letters of Commitment
8. Attachment G: Federal Tax Credit Accounting
9. Attachment H: Certifications
 - a. W-9 Form
 - b. Disadvantaged Business Certification Form
 - c. Campaign Contribution Disclosure Form

These nine sections, including Attachment H certifications, are to be compiled into a **single PDF document** for submittal to the MSRC Clean Transportation Funding Website. ***Please note that ONLY PDF format can be accepted. Microsoft Word documents cannot be accepted by the MSRC Website.*** Applicants will need to register on the MSRC Clean Transportation Funding website. The application submittal tutorial is available at www.cleantransportationfunding.org/proposal_process/upload_proposal.

Please note that the latest date and time to submit an application is September 28, 2012 at 11:59 pm!

3. **Addenda** – The Mobile Source Air Pollution Reduction Review Committee may modify the Program Announcement and/or issue supplementary information or guidelines relating to the Program Announcement during the Application preparation and acceptance period of March 2, 2012 to September 28, 2012. Amendments will be posted on the MSRC website at www.CleanTransportationFunding.org.
4. **Application Modifications** - Once submitted, Applications cannot be altered without the prior written consent of the Mobile Source Air Pollution Reduction Review Committee.
5. **Certificates of Insurance** - Proposers 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.

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 Contracts 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 AND APPROVAL PROCESS

Applications will be evaluated as they are received to determine compliance with all mandatory requirements. Applications that do not comply with the stipulated requirements will be returned to the project applicant for revision and resubmission. Any returned applications will lose their original submittal date and, if resubmitted, will be issued a new date upon receipt by the MSRC for purposes of disbursing funds on a first-come, first-served basis.

Proposals deemed compliant will be forwarded to the MSRC Technical Advisory Committee (MSRC-TAC) for review and concurrence with staff's recommendation. Applications recommended for approval by the MSRC-TAC will be forwarded to the MSRC for approval (applicants may be asked to provide an updated Campaign Contributions Disclosure form at this time). Applications recommended for funding by the MSRC will be forwarded to the South Coast AQMD Governing Board for final approval.

Upon receipt of 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.

SECTION 8 - PROPOSAL ATTACHMENTS

Attachment A: PROPOSAL SUMMARY INFORMATION

A. Please provide the following Proposer 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:	\$ _____

Attachment B: PROJECT DESCRIPTION & TECHNICAL SPECIFICATIONS

Please provide the following information regarding the proposed alternative fuel refueling facility:

1. Proposed Location – Please provide the street address of the proposed facility:
2. Project Type (please check the appropriate box(s)):
 - ☐ New Station
 - ☐ Expansion of Existing, Operational Station
 - ☐ Modification of Existing Vehicle Maintenance Facility
3. The proposed new/upgraded refueling station will be (please check the appropriate box):
 - ☐ Full Public Access (open to any user 24 hours per day, 7 days per week; equipped with universal card reader, and minimum dispensing capacity of 3 GGE per minute)
 - ☐ Limited Access (does not meet criteria of Full Public Access. Applicant attests their willingness to make the station available to at least one other fleet)
4. Fuel Type(s) – please check the appropriate box specifying the alternative fuel(s) proposed for the station:
 - ☐ CNG
 - ☐ LNG
 - ☐ L/CNG
 - ☐ > 50% Renewable CNG
5. Site Owner – Owner of the real property upon which the station will be constructed:
6. Station Operator – Entity that will operate and maintain the refueling facility:
7. Infrastructure Vendor/Installation Contractor – Name of equipment vendor(s) and installation contractor(s), if known:
8. Fuel Provider – Name of fuel vendor:
9. Refueling Infrastructure Description/Technical Specification. Please respond to a. or b. below, as appropriate:
 - a. New Refueling Facility - Description must include, at a minimum:
 - i. Site plan illustrating the proposed station's location on the property, including at a minimum the adjacent streets, entrance and exit locations, locations of dispenser islands, canopies, fuel storage tanks, compressors, walls and/or spill containment areas as appropriate;

- ii. Technical Specification, including a complete listing of all station equipment, hardware, and components, including component manufacturer and model number if known. In addition, the specification must provide minimum fuel storage capacities, compression and dispenser ratings, as well as number, make, and model of dispensers and card readers, etc. if known;
 - iii. Description of other project elements, including site amenities such as private access/public access islands, card reader payment options, overhead canopies, signage, traffic circulation plan, landscaping, fencing, security lighting, etc.
- b. Expansion of Existing Refueling Facility – description must include, at a minimum:
 - i. a description of the site location, existing fuel type and storage capacity, number of existing fuel dispensers, level of accessibility (private access, limited fleet access, etc.), current station utilization, including average monthly fuel throughput, numbers and types of vehicles that typically utilize station, etc.
 - ii. Please discuss the proposed station expansion and/or upgrades: Provide a detailed description of the proposed upgrade and/or expansion project. Include a technical description of the station in its modified or expanded configuration. Discuss, at a minimum, how the proposed upgrades/expansion will impact the station's ability to remain operational and accessible, the strategic importance of the expanded and/or upgraded station, and the number, types, and sizes of vehicles the station will accommodate in its expanded and/or upgraded configuration.
 - iii. Please describe the funding requirements for implementing the proposed refueling station expansion and/or upgrades, including the need for MSRC funding assistance: Discuss co-funding commitments offered by the Proposer or other station stakeholders. Describe other funding sources currently being pursued to support station upgrades/expansion. Discuss any unique financial constraints that impact the Proposer's ability to perform station upgrades and/or expansion.
- c. Maintenance Facility Modifications – Please provide a technical description of the proposed facility modifications, including the facility location, a detailed description of the facility and its use, a detailed listing of equipment, hardware, and components to be procured, including equipment vendor and model if known. In addition, please provide the number and types of vehicles the facility will accommodate in its modified configuration.

Attachment C: COST BREAKDOWN: Please provide a detailed cost breakdown of the proposed project. Please note that MSRC **Clean Transportation Funding™** is intended to help offset the cost of station capital equipment, site construction, signage, and reasonable project management costs, and cannot be applied to real property purchases, operations and maintenance costs, or labor and administrative costs deemed excessive. The MSRC reserves the right to exclude cost elements deemed unallowable, as well as award funding in an amount less than the requested amount.

Site Improvements, including fencing, driveways, curbing, landscaping, lighting, other construction, etc. Please itemize site improvement costs below:	
	\$
	\$
	\$
	\$
Refueling Station Capital Equipment	
Compressors	\$
Dryers	\$
Storage Vessels	\$
Dispensers	\$
Card Readers	\$
Signage (mandatory – see Section 2 paragraph 5)	\$
Other (Canopy, etc. Please specify)	\$
Shipping & Delivery Charges	\$
Installation	\$
Taxes	\$
Project Management	\$
Facility Modifications to Existing Maintenance Facilities	
	\$
	\$
	\$
Total Project Cost Estimate	\$
MSRC FUNDING REQUEST	\$

Please note that the total of the MSRC funding award cannot exceed 50% of the Total Project Cost up to the maximum funding levels shown in Table 3-1.

Attachment D: PROJECT IMPLEMENTATION SCHEDULE

Please provide, either in the space outlined below or separate attached sheet, a Milestone Schedule for your proposed alternative fuel station project. Please note that this information will become an element of any contract resulting from a potential award of MSRC Clean Transportation Funding™.

Please endeavor to make your Milestone Schedule as accurate as possible. Please note that extensions to the project period of performance are not guaranteed and in no event will exceed one additional year! Attach additional sheets as necessary.

PROJECT MILESTONE	START DATE	COMPLETION
<i>Example: Task 1 – Order equipment</i>	<i>Authority to Proceed (ATP) + one month</i>	<i>ATP + 3 months</i>

Attachment E: MEMORANDUM OF UNDERSTANDING BETWEEN CONTRACTOR AND HOST SITE

For projects seeking MSRC **Clean Transportation Funding™** for construction of alternative fuel refueling stations, a fully executed Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA) must be submitted as an element of the application package. **Please note that an MOU/MOA is NOT REQUIRED if the project applicant is the Site or Facility Owner.**

The MOU/MOA must be provided at the time of Application submittal and must contain the following essential elements, at a minimum:

- The parties to the MOU/MOA, including the fuel provider and/or facility developer and the site owner;
- The term of the MOU/MOA;
- The specific location of the refueling station to be constructed;
- Anticipated date of infrastructure construction;
- Anticipated date of infrastructure completion and start of operation;
- Executed signatures by individuals authorized on behalf of the parties to the MOU/MOA.

Attachment F: STATION UTILIZATION ESTIMATES

Applicants are required to demonstrate that the proposed station will have an adequate usage level to ensure the station remains operational for the required five-year period, as follows:

- Identify at least one anchor fleet which has committed to use the station on a regular basis. Please provide contact information for the anchor fleet. Please note that MSRC members or staff may contact any and all references provided in relation to station utilization commitment.
- Provide an estimate of the estimated annual station fuel throughput, and/or describe the number and types of alternative fuel vehicles expected to utilize the station immediately upon completion.
- Please attach letters of commitment between the applicant and fleets or other station users that commit to use the alternative fuel station for vehicle refueling.

Please be aware that any contract resulting from an award of MSRC **Clean Transportation Funding™** will include fuel throughput obligations, based on the estimates in the application, as an enforceable element of the contract. Therefore, it is strongly recommended that Proposers present station utilization estimates that are as accurate as possible and based on firm station utilization commitments!

Attachment G: FEDERAL TAX CREDIT ACCOUNTING

Please note that this Attachment only pertains to commercial business entities. Public agencies are not required to complete Attachment G.

As stated in Section 2, paragraph 6, the MSRC is aware that starting October 1, 2006, Federal Tax Credits became available to help defray the cost of CNG and LNG station construction and fuel purchase. It is important to the MSRC that stations funded using public money demonstrate that the benefits of these funds are enjoyed broadly, especially as it pertains to the price of alternative fuel paid by the end user.

Thus, in the event that the tax credits are extended, the MSRC requires that prior to any award of **Clean Transportation Funding™** to commercial business applicants whose primary business is the construction of refueling stations and/or sale of alternative fuel, the applicant must disclose in writing if they:

- a) Are or are not eligible to receive Federal Tax Credit(s), and if they are;
- b) How the Tax Credit(s) is factored into the cost of station construction and the pricing of alternative fuel dispensed at the proposed refueling station.

This discussion should be labeled "Attachment G" and be included in the Application package at the time of submittal. Please note that Applications submitted by affected entities that fail to include Attachment G will be deemed incomplete and returned for corrective action.

Attachment H: CERTIFICATIONS

Form (Rev. January 2005) Department of the Treasury Internal Revenue Service	W-9	Request for Taxpayer Identification Number and Certification		Give form to the requester. Do not send to the IRS.
		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.)		
Print or type See Specific Instructions on page 2.	City, state, and ZIP code		Requester's name and address (optional)	
	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.

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

Social security number								
			+					
or								
Employer identification number								
			+					

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. 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	Date ▶
	U.S. person ▶	

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

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

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

³ You must show your individual name and you may also enter your business or "DBA" name on the 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.

⁴ List 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.

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.

NAME

TITLE

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

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 #: PA2012-10

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 _____

_____	_____	_____
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).