

BOARD MEETING DATE: September 6, 2024

AGENDA NO. 5

PROPOSAL: Issue Program Announcement and Execute Contracts for AB 617 Public School Air Filtration Program

SYNOPSIS: Four Assembly Bill 617 (AB 617) Communities included measures for public school air filtration: East Los Angeles, Boyle Heights, West Commerce; San Bernardino, Muscoy; Southeast Los Angeles; and Wilmington, Carson, West Long Beach. Through the budgeting processes, \$13.7 million from Community Air Protection incentive funds was allocated for an AB 617 Public School Air Filtration Program. These actions are to: 1) issue Program Announcement (PA) #PA2025-01 for up to \$13.7 million from the Community Air Protection AB 134 Fund (77) to solicit applications from public schools within AB 617 Communities for the AB 617 Public School Air Filtration Program; and 2) based on the results of the PA, authorize the Executive Officer to execute contracts with public schools or school districts or their preferred vendors for the installation and/or maintenance of air filtration systems at schools within AB 617 Communities prioritizing East Los Angeles/Boyle Heights/West Commerce, San Bernardino/Muscoy, Southeast Los Angeles and Wilmington/West Long Beach/Carson.

COMMITTEE: Technology, August 16, 2024; Recommended for Approval

RECOMMENDED ACTIONS:

1. Issue Program Announcement (PA) #PA2025-01 in an amount up to \$13.7 million from the Community Air Protection AB 134 Fund (77) to solicit applications from public schools and school districts within Assembly Bill 617 (AB 617) Communities for the Public School Air Filtration Program; and
2. Based on the results of the PA, authorize the Executive Officer to execute contracts with public schools or school districts, or their preferred vendors for the installation and/or maintenance of air filtration systems at schools within AB 617 Communities for a total amount not to exceed \$13.7 million from the Community Air Protection AB 134 Fund (77).

Wayne Nastri
Executive Officer

Background

AB 617 was signed into state law in July 2017 and focuses on criteria air pollutant and toxic air contaminant emissions and exposure reductions in overburdened communities. AB 617 recognizes the disproportionate air pollution impacts these communities experience and seeks to address them through implementation of Community Emissions Reduction Plans (CERPs) which are developed by Community Steering Committees (CSCs). Each CSC is comprised of residents, community groups, and other community members within the specific AB 617 community.

In 2019, the Board adopted CERPs for the East Los Angeles, Boyle Heights, West Commerce (ELABHWC), San Bernardino, Muscoy (SBM), and Wilmington, Carson, West Long Beach (WCWLB) Communities. Also, in 2020, the Board adopted a CERP for the Southeast Los Angeles (SELA) Community. The CERPs for all four of these AB 617 Communities include actions for the installation and/or maintenance of air filtration systems in schools to reduce exposure to diesel particulate matter (DPM) and other harmful air pollutants.

In 2020, CARB granted South Coast AQMD staff's request for \$6.4 million in Year 2 Community Air Protection Program (CAPP) funding (Grant ID G18-MCAP-06) for the installation and/or maintenance of air filtration systems in schools for the ELABHWC, SBM and WCWLB AB 617 Communities. Also, in 2021, through a participatory budgeting process, the ELABHWC, SBM, and SELA CSCs allocated \$7.3 million in Year 3 CAPP funding (Grant ID G19-MCAP-03-1) for school air filtration systems. As a result, the total funding allocated for the installation and/or maintenance of air filtration systems in schools is \$13.7 million.

In March 2022, CARB approved South Coast AQMD's AB 617 Project Plan for Reducing Air Pollution Exposure in Schools and Other Facilities¹. Additionally, in April 2024, CARB revised the Community Air Protection (CAP) Incentives Program Guidelines² for air filtration systems. The project plan and revised guidelines allow South Coast AQMD to allocate CAP incentive funds to reduce indoor air pollution at schools in AB 617 Communities for up to 100% of the eligible costs of the air filtration systems, including costs associated with site assessments.

Proposal

South Coast AQMD staff is proposing to release Program Announcement #PA2025-01 to solicit applications from public schools and school districts in AB 617 Communities for the installation and/or maintenance of air filtration systems in schools. This includes the replacement of filters at schools that have existing air filtration systems and/or require minor upgrades to HVAC systems to accommodate new air filtration systems.

¹ CARB, AB 617 Project Plan for Reducing Air Pollution Exposure in Schools and Other Facilities, www.aqmd.gov/docs/default-source/tao-capp-incentives/ab617---school-air-filtration-project-plan.pdf?sfvrsn=8

² CARB, CAP Incentives Program Guidelines, 5-6 to 5-11, <https://ww2.arb.ca.gov/sites/default/files/2024-04/FINAL%20CAP%20Incentives%20Guidelines%20-%202024-04-04.pdf>

#PA2025-01 provides up to \$13.7 million for the installation and/or maintenance of air filtration systems in public schools in AB 617 Communities. Funding will be disbursed among the ELABHWC, SBM, SELA, and WCWLB AB 617 Communities. If funds remain available, South Coast AQMD may choose to fund public schools in other AB 617 Communities and, through this application process, South Coast AQMD will retain a wait list of public schools eligible for funding.

As part of this solicitation, public schools and school districts in AB 617 Communities will need to work with air filtration vendors to obtain cost information for their proposed projects. Eligible projects must install high-efficiency filters with a MERV 14 or higher rating.

Selected public schools or school districts or their preferred vendors must execute a contract with South Coast AQMD to receive funding. The implementation schedule for Program Announcement #PA2025-01 is in the table below.

Program Announcement #PA2025-01 and Application Evaluation Schedule

Date	Event
September 6, 2024	Issue Program Announcement and Application #PA2025-01
December 20, 2024	<ul style="list-style-type: none"> • Applications are due by 3pm • Applicants are encouraged to apply well before this deadline • Late applications will NOT be accepted
Spring 2025	Execution of contracts for selected eligible projects from this solicitation
Winter 2025	Public schools install air filtration systems

Outreach

South Coast AQMD staff will work with AB 617 Communities to conduct outreach directly to public schools and school districts that can benefit from the installation and/or maintenance of air filtration systems. In accordance with South Coast AQMD's Procurement Policy and Procedure, a public notice advertising the Program Announcement will be published in the Los Angeles Times, the Orange County Register, the San Bernardino Sun, and Riverside County's Press Enterprise newspapers to leverage the most cost-effective method of outreach to the South Coast Basin.

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

Benefits to South Coast AQMD

This project will reduce children's exposure to criteria pollutants, toxic pollutants and particulate matter (PM). Health studies have determined that fine and ultrafine PM, including DPM, present the most significant air pollution health risk to sensitive receptors in overburdened communities, including AB 617 Communities.

Resource Impacts

Up to \$13.7 million from the Community Air Protection AB 134 Fund (77) Years 2 (Grant ID G18-MCAP-06) and 3 CAPP funds (Grant ID G19-MCAP-03-1) will be used to provide air filtration units, maintenance and/or replacement filters to schools within AB 617 Communities, prioritizing ELABHWC, SBM, SELA and WCWLB for the AB 617 Public School Air Filtration Program. Any funds not expended after the budget cycles will be returned to the Community Air Protection AB 134 Fund (77). Sufficient funds are available in the Community Air Protection AB 134 Fund (77).

Attachment

Program Announcement and Application #PA2025-01

AB 617 Public School Air Filtration Program

(Eligibility restricted to public schools in AB 617 Communities)

A Funding Opportunity for
Cities & Counties in the Jurisdiction of the
South Coast Air Quality Management District



Program Announcement & Application PA2025-01

September 6, 2024

PROGRAM INTRODUCTION

Assembly Bill (AB) 617 was signed into state law in July 2017 and focuses on criteria air pollutant and toxic air contaminant emissions and exposure reductions in overburdened communities. AB 617 recognizes the disproportionate air pollution impacts these communities experience and seeks to address them through the development of Community Emissions Reduction Plans (CERPs) which are informed by Community Steering Committees (CSCs). Each CSC is comprised of residents, community groups, and other community members.

In 2019, South Coast AQMD Governing Board adopted CERPs for the East Los Angeles, Boyle Heights, West Commerce (ELABHWC), San Bernardino, Muscoy (SBM), and Wilmington, Carson, West Long Beach (WCWLB) Communities. Also, in 2020, the Board adopted a CERP for the Southeast Los Angeles (SELA) Community. The CERPs for all four of these AB 617 Communities include actions for the installation and/or maintenance of air filtration systems to reduce exposure to Diesel Particulate Matter (DPM) and other harmful air pollutants in schools.

In 2020, the California Air Resources Board (CARB) granted South Coast AQMD staff's request for \$6.4 million in Year 2 Community Air Protection Program (CAPP) funding for the installation and/or maintenance of air filtration systems in schools for the ELABHWC, SBM and WCWLB AB 617 Communities. Also, in 2021, through a participatory budgeting process, the ELABHWC, SBM, and SELA CSCs allocated \$7.3 million in Year 3 CAPP funding for school air filtration systems. As a result, the total funding allocated for the installation and/or maintenance of air filtration systems in schools is \$13.7 million. The funding available to each AB 617 Community for the installation and/or maintenance of air filtration systems is in Table 1 below.

Table 1 – Available Public School Air Filtration Funding by AB 617 Community

AB 617 Community	Public School Air Filtration Funding
ELABHWC	\$3.8 million
SBM	\$5.0 million
SELA	\$2.5 million
WCWLB	\$2.4 million

PROGRAM ELIGIBILITY GUIDELINES AND CRITERIA

Eligible Applicants – Public schools and school districts located within AB 617 Communities' boundaries and their vendors are eligible to apply. Funding will be disbursed among AB 617 Communities according to Table 1 above and the guidelines in this Program Announcement. Public schools prioritized by AB 617 CSCs will receive the highest priority for funding under this Program Announcement. The prioritized list of schools is available on the South Coast AQMD Public School Air Filtration Webpage¹. If funds remain available for any of the communities listed in Table 1, South Coast AQMD may choose to fund public schools in other AB 617 Communities. For example, the ELABHWC Community liquidates only \$2.8 million of the \$3.8 million available funds

¹ The AB 617 Public School Air Filtration Webpage is available at <http://www.aqmd.gov/nav/about/initiatives/environmental-justice/ab617-134/community-air-protection-incentives/public-school-air-filtration-incentives>

identified in Table 1 above. In that case, the remaining balance of \$1 million may be disbursed for public school air filtration projects in a different AB 617 Community. The list of the AB 617 Communities and their corresponding community boundaries are available by clicking the links below.

- [East Los Angeles, Boyle Heights, West Commerce](#)
- [Eastern Coachella Valley](#)
- [San Bernardino, Muscoy](#)
- [South Los Angeles](#)
- [Southeast Los Angeles](#)
- [Wilmington, Carson, West Long Beach](#)

Funding Availability – A funding amount of \$13.7 million is available from South Coast AQMD to install and/or maintain air filtration systems at public schools during this application period. Funding is available to applicants proposing qualifying projects and will be disbursed among AB 617 Communities according to Table 1 above and the guidelines in this Program Announcement. Public schools prioritized by AB 617 CSCs will receive the highest priority for funding under this Program Announcement. The prioritized list of schools is available on the South Coast AQMD Public School Air Filtration Webpage². If funds remain available for any of the Communities listed in Table 1, South Coast AQMD may choose to fund public schools in other AB 617 Communities. Qualifying projects include installation of higher–efficiency filters within existing Heating, Ventilation and Air-Conditioning (HVAC) systems, wall mounted units, portable units, and other air filtration units that carry a Minimum Efficiency Reporting Value (MERV) 14 or greater rating. All projects require review and approval by South Coast AQMD staff.

Funding Limits – South Coast AQMD may establish a funding limit for each applicant based on the number of applications to this Program Announcement. Funding will be disbursed among AB 617 Communities according to Table 1 above and the guidelines in this Program Announcement. If funds remain available for any of the communities listed in Table 1, South Coast AQMD may choose to fund public schools in other AB 617 Communities. South Coast AQMD retains the discretion to make full, partial, or no awards.

Proposed projects shall be consistent with the California Constitution, which states that no public monies be allowed for the support of any school not under the exclusive control of the officers of the public schools (Cal. Const. Art. 9 § 8).³ South Coast AQMD will retain a wait list of eligible public schools to select for funding.

South Coast AQMD encourages eligible public schools, school districts, and their vendors to apply for funding under this program. If requested funds for eligible projects exceed the total funds available for this program (i.e., \$13.7 million), South Coast AQMD may consider funding these projects if additional program funds become available.

² The AB 617 Public School Air Filtration Webpage is available at <http://www.aqmd.gov/nav/about/initiatives/environmental-justice/ab617-134/community-air-protection-incentives/public-school-air-filtration-incentives>

³ California Constitution, Article IX Education, Section 8 https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS§ionNum=SEC.%208.&article=IX

Program Schedule – Implementation schedule for the Installation and/or Maintenance of Public School Air Filtration Systems Program Announcement PA2025-01 is shown in Table 2 below.

Table 2 – Program Announcement PA2025-01 and Application Evaluation Schedule

Date	Event
September 6, 2024	Issue Program Announcement and Application PA2025-01
December 20, 2024	<ul style="list-style-type: none"> • Applications are due by 3pm • Applicants are encouraged to apply well before this deadline • Late applications will NOT be accepted
Spring 2025	Execution of contracts for selected eligible projects from this solicitation
Winter 2025	Public schools install air filtration systems

APPLICATION REQUIREMENTS

A project application must be completed and submitted to receive funding. Applications must be submitted in accordance with the instructions outlined below, and all requested information must be provided.

Application Elements – All applications must contain the following:

- a. Cover Letter – Transmittal of an application must be accompanied by a cover letter signed by the school’s superintendent, principal, or director.
- b. Application Elements A-E – Applications must include the following completed elements, and all required supporting documentation as requested:
 - i. Element A: Application Form (Attachment A)
 - ii. Element B: Project Description/ Statement of Work
 - iii. Element C: Project Budget
 - iv. Element D: Project Implementation Schedule
 - v. Element E: Business Information Request (BIR) Forms (Attachment B)

The following section summarizes each element that must be completed by the applicant and submitted in accordance with the instructions provided in this Program Announcement under “Application Submittal Instructions”.

- *Cover Letter* – must be signed by an individual authorized to contractually bind the submitting entity, such as a school superintendent, principal, or director. This document should summarize the intent of the application as well as the requested funding amount, school address, square footage, number of classrooms, number of students per classrooms and faculty, project budget and proposed timeline.
- *Element A: Application Form* – includes general information from the applicant. This information is to be provided in the designated spaces on the template attached to this Program Announcement (see Attachment A).

- *Element B: Project Description/Statement of Work* – describes the proposed project including a) project goals and objectives; b) statement of work which should include the number of classrooms, enclosed common spaces (specify purpose of common space), and number of buildings where air filtration would be installed at each school; c) description of the entity implementing the project; d) use of subcontractors, if any; e) duties of key project staff, including Project Manager; f) project deliverables specifying the number of air filtration units to be installed, as well as their location and square footage of the area benefiting from the air filtration; g) plan to train school or school district staff to replace filters and to provide replacement filters for each school; and h) provide informational materials to parents and legal guardians.
- *Element C: Project Budget* – A cost breakdown of the proposed project budget including a) total project cost; b) number and identification of air filtration units to be installed; c) cost for air filtration installation, including number and type of air filtration units, replacement filters, and breakdown of labor costs; d) subcontractor costs, if any; and e) dollar amount requested from the applicant. Applicants are expected to work with air filtration system vendors and school maintenance staff to obtain cost information for their proposed projects. Projects under this Program Announcement can cover up to five years of replacement filters. Examples of factors that could affect the cost of an air filtration system are the school's existing HVAC system, type of air filtration system installed (e.g., portable, or wall-mounted), spatial coverage, number of air exchanges per hour, pressure drop associated with the filter, and air filter MERV rating.
- *Element D: Project Implementation Schedule* – Submittal of a schedule depicting key project milestones, task completion dates, and any anticipated barriers to completion. **Please note that all projects must be completed no later than 24 months from the date of contract execution.**
- *Element E: Business Information Request (BIR) Forms* – BIR forms **must** be completed and submitted with the application; required forms are attached to this Program Announcement. If recommended for an award, you will be required to provide an updated Campaign Contribution Disclosure form at that time. (See Attachment B.)

APPLICATION SUBMITTAL INSTRUCTIONS

The applicant **shall submit the original application plus three (3) complete hard copies and one (1) digital copy of the entire application package.** Each hard copy is to be marked "Program Application PA2025-01." These hard copies should be placed together in a sealed envelope, plainly marked in the upper left-hand corner with the name, address, email, and phone number of the applicant. Additionally, the applicant will provide a single PDF copy of all application materials to schoolairfiltration@aqmd.gov. Hard copy applications are **mandatory**, failure to submit a hard copy application by the deadline listed will result in application rejection. Postmarks are not accepted as proof of deadline compliance. All applications must be received by **no later than 3:00 p.m. on Friday, December 20, 2024.**

The Program Announcement and application document PA2025-01 can also be accessed via the internet by visiting South Coast AQMD's website at:

<http://www.aqmd.gov/nav/grants-bids>

The hardcopy application package must be addressed to:

Anish Pathak, Procurement Manager

Re: Program Application PA2025-01

Installation and/or Maintenance of Air Filtration Systems at Public Schools in AB 617 Communities

South Coast Air Quality Management District

21865 Copley Drive

Diamond Bar, CA 91765

All applications must be **signed by an authorized signer**. Once submitted, applications cannot be altered without the prior written consent of South Coast AQMD. All responses become the property of South Coast AQMD, and one copy of the application will be retained for South Coast AQMD files. South Coast AQMD reserves the right to reject any or all applications if they do not meet the requirements of the Program Announcement, including those listed below:

- It is not prepared in the format described.
- It is not signed by an individual authorized to represent the school or school district.
- Does not include all elements as outlined under "Application Elements" required in this Program Announcement.

APPLICATION EVALUATION AND APPROVAL PROCESS

South Coast AQMD may establish a funding limit for each applicant based on the number of applications to this Program Announcement. The intent is to provide funding to public schools geographically distributed across the AB 617 Communities.

If there are more applications than available funding under this Program Announcement, each project will undergo additional evaluation with consideration to the following criteria for prioritization or ranking of projects:

1. Public schools within the four AB 617 Communities listed in Table 1 above, including ELABHWC, SBM, SELA, and WCWLB, will receive higher priority.
2. Public schools within the additional two (2) AB 617 Communities of Eastern Coachella Valley (ECV) and South Los Angeles (SLA) will be placed on a waitlist.

Upon approval of selected projects by the Executive Officer, all applicants will receive notice by email whether their project application has been awarded funds. South Coast AQMD staff will prepare a contract for execution by the applicant for approved projects. The applicant will be required to enter into a contract with South Coast AQMD to receive any funds. If necessary, South Coast AQMD can enter into a contract with a preferred vendor that the school or school district selects to install and/or maintain their air filtration system.

ADDITIONAL INFORMATION & ASSISTANCE

This Program Announcement can be accessed at the South Coast AQMD website at <http://www.aqmd.gov/nav/grants-bids>. South Coast AQMD staff members are available to answer questions during the Program Announcement acceptance period until December 20, 2024.

For General, Administrative, or Technical Assistance, please contact:

Liliana Garcia

Assistant Air Quality Specialist
Technology Advancement Office
Phone 909-396-2832
lgarcia1@aqmd.gov

Kelly Trainor Gamino

Program Supervisor
Technology Advancement Office
Phone: 909-396-2382
kgamino@aqmd.gov

ATTACHMENT A

AB 617 Public School Air Filtration Application Form Program Announcement PA2025-01

Part I: Application Information

School District Name:						
School Name	Address (street, city, zip code)	AB 617 Community	Funding Amount Requested	Number of Air Filtration Units by Type (e.g., Wall Mounted, Portable, HVAC)	Total Number of Replacement Filters	Total number of Classrooms and Overall Square Footage of Area Covered by Air Filtration
<i>Please attach pages for additional schools.</i>						

Primary Contact Name:				
Title:				
Phone Number:		Ext:		
E-mail:		Fax Number:		

Part II: Certification

Please initial each statement then sign and date the form.

Applicant Shall:	
	Disclose any other source(s) of funding that has been applied for and will be used for the same project, including the source of funds, amount and the purpose for funding.
	Disclose the value of any existing financial incentive that directly reduces the project cost, including tax credits, or deductions, grants or other public financial assistance for the same equipment.

Applicant Understands:	
	An incomplete or illegible application, including applications that are missing required information, may be rejected by South Coast AQMD at their discretion.
	South Coast AQMD may release the information the application contains to third parties if required by state and federal public records laws.

Authorization:			
Signature:			
Print Name & Title:		Date:	

ATTACHMENT B



South Coast Air Quality Management District

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

Business Information Request

Dear South Coast AQMD Contractor/Supplier:

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

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

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

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

Sincerely,

Sujata Jain
Chief Financial Officer

DH:nd

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



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

BUSINESS STATUS CERTIFICATIONS

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

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

Statements of certification:

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

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

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

Check all that apply:

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

Percent of ownership: _____ %

Name of Qualifying Owner(s): _____

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

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

NAME

TITLE

TELEPHONE NUMBER

DATE

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By signing the filled-out form, you:

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

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

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

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

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

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

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

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

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

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

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

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

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

Backup Withholding

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

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

Payments you receive will be subject to backup withholding if:

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

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

Also see *Special rules for partnerships*, earlier.

What is FATCA Reporting?

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

Updating Your Information

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

Penalties

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

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

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

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

Specific Instructions

Line 1

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

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

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

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

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

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

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

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

Line 2

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

Line 3

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

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

Line 4, Exemptions

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

Exempt payee code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G—A real estate investment trust

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

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

J—A bank as defined in section 581

K—A broker

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

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

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

Line 5

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

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

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

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

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

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

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

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

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

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

Part II. Certification

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

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

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

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

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

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

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

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

What Name and Number To Give the Requester

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

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

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

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

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

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

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

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

Secure Your Tax Records From Identity Theft

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

To reduce your risk:

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

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

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

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

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

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

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

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

Visit www.irs.gov/identitytheft to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

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

TAXABLE YEAR

CALIFORNIA FORM

2021 Withholding Exemption Certificate

590

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

Withholding Agent Information

Name

Payee Information

Name

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

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

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

State ZIP code

Exemption Reason

Check only one box.

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

Individuals — Certification of Residency:

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

Corporations:

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

Partnerships or Limited Liability Companies (LLCs):

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

Tax-Exempt Entities:

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

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

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

California Trusts:

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

Estates — Certification of Residency of Deceased Person:

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

Nonmilitary Spouse of a Military Servicemember:

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

CERTIFICATE OF PAYEE: Payee must complete and sign below.

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

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

Type or print payee's name and title

Telephone

Payee's signature

Date

2021 Instructions for Form 590

Withholding Exemption Certificate

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

General Information

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

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

A Purpose

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

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

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

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

The following are excluded from withholding and completing this form:

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

B Income Subject to Withholding

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

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

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

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

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

C Who Certifies this Form

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

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

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

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

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

D Definitions

For California nonwage withholding purposes:

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

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

Permanent Place of Business:

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

E Military Spouse Residency Relief Act (MSRRA)

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

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

Domicile is defined as the one place:

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

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

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

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

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

Specific Instructions

Payee Instructions

Enter the withholding agent's name.

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

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

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

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

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

Withholding Agent Instructions

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

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

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

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

Additional Information

Website: For more information, go to ftb.ca.gov and search for nonwage.

MyFTB offers secure online tax account information and services. For more information, go to ftb.ca.gov and login or register for **MyFTB**.

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

Fax: 916.845.9512

Mail: WITHHOLDING SERVICES AND COMPLIANCE MS F182
FRANCHISE TAX BOARD
PO BOX 942867
SACRAMENTO CA 94267-0651

For questions unrelated to withholding, or to download, view, and print California tax forms and publications, or to access the TTY/TDD numbers, see the Internet and Telephone Assistance section.

Internet and Telephone Assistance

Website: ftb.ca.gov

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

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

Asistencia Por Internet y Teléfono

Sitio web: ftb.ca.gov

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

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

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

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

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

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

Typed Name & Title of Authorized Representative

Signature of Authorized Representative Date

I am unable to certify to the above statements. My explanation is attached.



CAMPAIGN CONTRIBUTIONS DISCLOSURE: PROJECT PARTICIPANTS

In accordance with California law, a person or entity with a financial interest in a proceeding or particular governmental decision, who is not a party but who actively supports or opposes a particular decision, qualifies as a “participant” in that proceeding for purposes of California Code of Regulations Section 84308. Participants are prohibited from contributing more than \$250 to an officer of the agency while the proceeding is pending and for 12 months thereafter. A “financial interest” in a proceeding generally means that it is reasonably foreseeable that the proceeding or governmental decision within the proceeding, will have a material financial effect (of a positive or negative nature) on one or more of your economic interests. Relevant economic interests include your interest in business entities, real property, sources of income, sources of gifts, and personal finances. A material financial effect may include a change in revenue or expenses, or it may achieve, defeat, aid, or hinder a purpose or goal of the source of income and the participant or their spouse receives or is promised the income for achieving the purpose or goal. For additional information, please consult the Fair Political Practices Commission. See [Parties, Participants, Agents, and Section 84308 \(ca.gov\)](#) and [Informal Advice \(ca.gov\)](#). A participant has both a financial interest in the proceeding and communicates with the agency or an officer of the agency for purposes of influencing the proceeding.

In addition, SCAQMD Board Members or members/alternates of the MSRC or MSRC-TAC must abstain from voting on a contract or permit if they have received a campaign contribution from a party or participant to the proceeding, or agent, totaling more than \$250 in the 12-month period prior to the consideration of the item by the Governing Board or the MSRC or MSRC-TAC. Gov’t Code §84308(c).¹

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

SECTION I.

Contractor (Legal Name): _____

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

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

¹ The information provided on this form does not, and is not intended to, constitute legal advice. To the extent that you may have questions regarding any case law, citations, or legal interpretations provided above please seek the guidance of your own independent counsel.

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(s) of Contributor(s) or Person(s) who Directed or Controlled this Contribution:

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

Name(s) of Contributor(s) or Person(s) who Directed or Controlled this Contribution:

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

Name(s) of Contributor(s) or Person(s) who Directed or Controlled this Contribution:

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

Name(s) of Contributor(s) or Person(s) who Directed or Controlled this Contribution:

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

I declare the foregoing disclosures to be true and correct.

By: _____

Title: _____

Date: _____

DEFINITIONS

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

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