

Texas Natural Gas Vehicle Grant Program Participating Dealer Proposal Forms

TCEQ-20608

Solicitation No. 582-16-60706



Proposal Submission Deadline:

Proposals will be accepted until 5 p.m. Central Time on April 28, 2017.

Texas Commission on Environmental Quality
Air Quality Division
Implementation Grants Section (TNGVGP), MC-204
P.O. Box 13087
Austin, TX 78711-3087
1-800-919-TERP (8377)

www.terpgrants.org

TCEQ USE ONLY
Application #

TCEQ USE ONLY
Contract #

Texas Commission on Environmental Quality (TCEQ)

Participating Dealer Agreement for Texas Emissions Reduction Plan (TERP) Texas Natural Gas Vehicle Grant Program

Signature Page

Dealer/Entity Legal Name:
(Print/Type)

The legal name listed must match the name under which the entity is incorporated or otherwise legally established. Failure to list the full legal name or to use correct spelling will result in the return of the proposal for correction and resubmission.

Dealer Location:
(Address)

Only one dealer location may be listed on a proposal. If a dealer owns and operates multiple locations, each location must be submitted under a separate proposal.

Agreement Period: Effective Date to Expiration Date

Effective Date: The Effective Date of this Agreement is the date on which the Agreement is signed by the last of the parties to sign.

Expiration Date: August 31, 2017

This Agreement (Agreement) is entered into between the Texas Commission on Environmental Quality (TCEQ) and the named Participating Dealer, an eligible dealer as defined in the Request for Proposals (RFP) for Participating Dealers (PARTICIPATING DEALER) (known collectively as the Parties), to implement a portion of the TERP Texas Natural Gas Vehicle Grant Program.

Agreement Documents

TCEQ and the named PARTICIPATING DEALER agree that the following documents comprise the Agreement Documents:

- Participating Dealer Terms and Conditions
- Approved Participating Dealer Proposal Forms
- Request for Proposals (RFP) for Participating Dealers

PARTICIPATING DEALER: By signing on this page you agree that you have read and agree to all the Agreement Documents in this Agreement including this Signature Page, the Terms and Conditions, and other Agreement Documents listed above. The Agreement Documents are available on the TERP website, www.terpgrants.org. Your signature on this page also means that you have read and understand all information provided in this proposal and that the information is true and correct. Upon signature of this page by the TCEQ, this will form a binding contract to be performed according to above listed contract documents. Failure to sign the proposal or signing it with a false statement shall void the Agreement.

PARTICIPATING DEALER

Signature of Authorized Official:

PLEASE SIGN IN BLUE INK. Faxed or photocopied signature pages will not be accepted. The application, with an original signature, must be received by the application deadline or the application will not be accepted.

Printed Name of Authorized Official:

Authorized Official's Title:

Date of Signature:

(must be the date the form was signed in ink)

Texas Commission on Environmental Quality (TCEQ)

Signature of Authorized Official:

Printed Name of Authorized Official:

Mr. Joe Walton

Authorized Official's Title:

Manager, Implementation Grants Section

Date of Signature:

Do NOT alter forms. Proposals and accompanying Agreement Documents with altered language will be void.

This form is only valid for the proposal acceptance period through April 28, 2017.

TCEQ Contact Information

Texas Commission on Environmental Quality
Air Quality Division
Implementation Grants Section (TNGVGP), MC-204
P.O. Box 13087
Austin, TX 78711-3087

Phone: 1-800-919-TERP (8377) Fax: (512) 239-0077

Web Site Address: www.terpgrants.org Email Address: terp@tceq.texas.gov

Texas Natural Gas Vehicle Grant Program

Participating Dealer Proposal Forms

Section 1: Contact Information

1. Authorized Official: Applicant or Authorized Employee of the Applicant.

Name and Title:

Prefix: First: MI: Last: Suffix:

Title:

Mailing Address:

Street Line 1:

Street Line 2:

City:

State:

Zip code:

Physical Address: For the express delivery of legal documents.

Street Line 1:

Street Line 2:

City:

State:

Zip code:

Primary Phone:

Secondary Phone:

Fax Number:

E-Mail Address:

2. Designated Project Representative: Mark the box with an X if the designated project representative is the same as the Authorized Official. If the same, the designated project representative information is not required.

Name and Title:

Prefix: First: MI: Last: Suffix:

Title:

Mailing Address:

Street Line 1:

Street Line 2:

City:

State:

Zip code:

Physical Address: For express delivery of legal documents.

Street Line 1:

Street Line 2:

City:

State:

Zip code:

Primary Phone:

Secondary Phone:

Fax Number:

E-Mail Address:

3. Designated Location for Records Access and Review by the TCEQ or its Representative: The location must be a physical address.

Street Line 1:

Street Line 2:

City:

State:

Zip code:

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Participating Dealer Proposal Forms
Section 2: General Certifications and Assurances

The dealer assures and certifies that:

1. **Legal Authority.** It possesses legal authority in the State of Texas to submit a proposal, and that the dealer's governing body has authorized the filing of the proposal, including all understandings and assurances contained therein, and directing and authorizing the person identified as the authorized official to act in connection with the proposal and to provide such additional information as may be required.

2. **Conflict of Interest.** Dealer has not given, offered to give, nor intends to give at anytime hereafter, any economic opportunity, future employment, gift, loan gratuity, special discount, trip, favor, or service to a public servant in connection with the submitted proposal.

No person having financial participation in this application received compensation from the TCEQ in preparing the solicitation documents. Furthermore, under Section 2155.004, of the Texas Government Code, the dealer certifies that the individual or business entity named in this bid or Agreement is not ineligible to receive the specified Agreement and acknowledges that this Agreement may be terminated if this certification is inaccurate.

3. **Nondiscrimination.** It will comply with all State and Federal statutes relating to nondiscrimination.

4. **Administration.** It will maintain an appropriate administration system to ensure that all terms, conditions, and specifications of the Agreement, including these certifications and assurances, are met.

5. **Audit.** Pursuant to Section 2262.154 of the Texas Government Code, the state auditor may conduct an audit or investigation of the dealer or any other entity or person receiving benefit from the state directly under this Agreement or indirectly through a subcontract under this Agreement. The acceptance of benefit by the dealer or any other entity or person directly under this Agreement or indirectly through a subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with this Agreement. Under the direction of the legislative audit committee, the dealer or other entity that is the subject of an audit or investigation by the state auditor must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit. Dealer will ensure that this clause concerning the authority to audit and the requirement to cooperate is included in any subcontract it awards.

6. **Debt to the State.** It is not indebted to the state nor does it have an outstanding tax delinquency. It further understands that the Texas Comptroller is precluded by law from paying an entity who is indebted to the state or has a tax delinquency. The dealer must comply with all State and Federal tax laws and fee requirements and is solely responsible for filing all State and Federal tax and fee forms.

7. **Participating Dealer Agreement.** It understands that the Participating Dealer Terms and Conditions are incorporated within the solicitation materials and submission of a signed proposal constitutes assent to these terms and conditions. It further understands that TCEQ will not normally change the terms and conditions to deal with individual requests.

8. **Debarment.** Dealer certifies that the applying entity and its principals are eligible to participate in this Agreement and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Respondent is in compliance with the State of Texas statutes and rules relating to procurement and that Respondent is not listed on the federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

9. **Contracting with an Executive of a State Agency.** Under Government Code § 669.003, relating to contracting with an executive of a state agency, dealer represents that no person who, in the past four years, served as an executive of the Texas Commission on Environmental Quality (TCEQ) or any other state agency, was involved with or has any interest in this proposal. If dealer employs or has used the services of a former executive head of TCEQ or other state agency, then Respondent shall provide the following information: Name of former executive, name of state agency, date of separation from state agency, position with dealer, and date of employment with dealer.

10. **Hurricane Katrina and Other Natural Disasters.** Under Section 2155.006(b) of the Texas Government Code, a state agency may not accept a bid or award an Agreement, including an Agreement for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been: (1) convicted of violating a federal law in connection with an Agreement awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005; or (2) assessed a penalty in a federal civil or administrative enforcement action in connection with an Agreement awarded by the federal government for relief, recovery, or reconstruction efforts as a result of Hurricane Rita, as defined by Section 39.459, Utilities Code, Hurricane Katrina, or any other disaster occurring after September 24, 2005. Under Section 2155.006 of the Texas Government Code, the Dealer certifies that the individual or business entity named in this proposal is not ineligible to receive the specified Agreement and acknowledges that any Agreement resulting from this proposal may be terminated if this certification is inaccurate.

Signature of Authorized Official:

Date:
(in blue ink)

Texas Natural Gas Vehicle Grant Program

Participating Dealer Proposal Forms

Section 3: Dealer Information

1. Participating Dealer History

Has the entity listed on the Signature Page previously been an approved Participating Dealer under the TNGVGP?	Yes		No	
If yes, please provide all prior Participating Dealer Contract Numbers:				

2. Entity Type

Business Service Category: Mark with an X for all that apply to your entity. Dealers that provide multiple services should explain more in the **Entity Qualifications** box provided below. For instance, please address whether each of the multiple services, such as leasing or finance, is handled by another entity with a unique FEIN or Texas Taxpayer Number. Please see the RFP for Participating Dealers, Section 1.3, for more information.

SALE: Entity offers qualifying natural gas vehicles for <u>sale</u> :	
LEASE: Entity offers qualifying natural gas vehicles for <u>lease</u> :	
COMMERCIAL FINANCE: Entity offers <u>commercial financing</u> for natural gas vehicles, engines, and/or conversion systems:	
REPOWER: Entity offers qualifying natural gas engines and/or conversion systems for <u>repower</u> :	

3. Entity Qualifications

Please describe how your entity qualifies as the Business Service Category or Categories you indicated directly above. For instance, if you indicated "Repower" above, please address whether the natural gas engines or conversion systems you install are certified under an EPA certificate of conformity to emit 25% less nitrogen oxides (NO_x) than the baseline engine. As stated in the TCEQ's RFP for Participating Dealers, a change in fuel alone to natural gas does not substantiate improved emissions performance.

How many years experience does your entity have with regard to the sale, leasing, commercial finance, and/or repowering of natural gas vehicles/engines?	
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Please attach any certifications, licenses, or other qualifications that support your entity's eligibility as a TNGVGP Participating Dealer. If you intend to perform repower services through conversion of an original engine to operate on natural gas, provide copies of the EPA certificates of conformity for those conversion systems and for the original equipment that show that the systems are certified to an emission standard or family emissions limit (FEL) that is at least 25% lower for NO_x than the emissions standard or FEL to which the engine and/or vehicle were originally certified.

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Section 4: Agreement Activities

To assist us in evaluating your eligibility as a Participating Dealer, please provide specific/detailed information on how you plan to implement the following Agreement Activities.

Please refer to the TCEQ's RFP for Participating Dealers, Section 1.9.4 for specific instructions on this section.

1. Directing potential Grant Applicants to the TNGVGP grant solicitation materials.

2. Completing and submitting applications on behalf of Grant Applicants to the TNGVGP grant solicitation.

3. Receiving and reviewing documentation provided by Grant Applicants for eligibility.

4. Arranging for the inspection of the original vehicle confirming that it is in operating condition.

5. Arranging for the destruction of the original vehicle.

6. Maintaining and safeguarding project documentation.

Texas Natural Gas Vehicle Grant Program
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Supplemental Form: Entity Information

This supplemental form must be submitted, but is not part of the Agreement documents.

1. Entity/Company Legal Name for Contracting Purposes:			
2. Payee Identification Number: Indicate the type of number you are providing to be used for your Payee Identification Number.			
Provide one of the following numbers. Do <u>not</u> complete both a and b.			
a. Social Security Number (SSN): Only complete if you are applying as an individual.			
b. Federal Employer's Identification (FEI) Number: Only complete if you are applying as a company or other entity, including DBA's.			
3. Mark the box with an X, if the applicant is currently reporting any Texas tax to the Comptroller's Office other than unemployment (e.g., sales tax, franchise tax).			
If the entity is currently reporting any Texas tax to the Comptroller's Office other than unemployment (e.g., sales tax, franchise tax), please enter in the Texas Taxpayer Number.			
4. Ownership Codes: Mark the ownership code that applies to this application, and matches the legal name, with an X. Only one ownership code may be selected.			
I - Individual (not owning a business):		L - Limited Partnership:	
S - Sole Ownership (individual owning a business):		Texas File #:	
Owner's Name:		T - Texas or Limited Liability Corporation:	
Owner's SSN:		Texas Charter #:	
P - Partnership:		A - Professional Association:	
Name:		Texas Charter #:	
SSN/FEI#:		C - Professional Corporation:	
Name:		Texas Charter #:	
SSN/FEI#:		O - Out-of-State Corporation:	
J - Joint Venture:		U - State Agency/University:	
G - Governmental Entity:		R - Foreign (outside of USA):	
N - Other (explain):			
5. Date Business Founded/Started:			

If applying as an individual or sole proprietor, attach a copy of a state or federal photo identification document.