

The Mobile Source Air Pollution Reduction Review Committee (MSRC)

**OPERATIONAL POLICIES
and PROCEDURES**

Mobile Source Air Pollution Reduction Review Committee Membership

The Mobile Source Air Pollution Reduction Review Committee (MSRC) shall be comprised of one representative from each of the following agencies:

- (1) South Coast District (South Coast Air Quality Management District-SCAQMD);
- (2) Southern California Association of Governments (SCAG);
- (3) San Bernardino Associated Governments (SANBAG);
- (4) Los Angeles County Metropolitan Transportation Authority (LACMTA);
- (5) Orange County Transportation Authority (OCTA);
- (6) Riverside County Transportation Commission (RCTC);
- (7) State Board (California Air Resource Board - CARB);
- (8) A regional rideshare agency selected by the other members of the MSRC committee (currently CTS).

All appointments for members and alternates shall be made by the respective appointing authority. Notice in writing shall be submitted to the Chairperson of the MSRC. The authorized appointing authority may reappoint or fill a vacancy by giving notice in writing to the MSRC Chairperson.

Technical Advisory Committee Membership

The Technical Advisory Committee (TAC) shall be comprised of membership as approved by the MSRC with one representative appointed by each of the following agencies:

- (1) MSRC representative from the south coast district (South Coast Air Quality Management District (SCAQMD);
- (2) MSRC representative from the Southern California Association of Governments (SCAG);
- (3) MSRC representative from the San Bernardino Associated Governments (SANBAG);
- (4) MSRC representative from the Los Angeles County Metropolitan Transportation Authority (LACMTA);
- (5) MSRC representative from the Orange County Transportation Authority (OCTA);
- (6) MSRC representative from the Riverside County Transportation Commission (RCTC);
- (7) MSRC representative from the state board (California Air Resource Board-CARB);
- (8) MSRC representative from the regional rideshare agency selected by the other members of the MSRC (currently CTS);
- (9) Cities of San Bernardino County;
- (10) Cities of Riverside County;
- (11) Cities of Orange County;
- (12) Cities of Los Angeles County;

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- (13) Board of Supervisors of San Bernardino County;
- (14) Board of Supervisors of Riverside County;
- (15) Board of Supervisors of Orange County;
- (16) Board of Supervisors of Los Angeles County;
- (17) And members selected by the MSRC as it deems appropriate.

Duties of the MSRC:

The duties of the MSRC are to develop, adopt and implement a work program pursuant to section 44244 (b) of the California Health and Safety Code, and to present such work program(s) for approval to the south coast district board. The MSRC may, from time to time, amend, readopt, and resubmit the work program to the district board for approval.

Duties of the TAC:

The duties of the TAC are to assist the MSRC in the development of the work program, pursuant to section 44244 (c) of the California Health and Safety Code, and to present recommendations for approval to the MSRC, and to perform those additional duties as may be required by the MSRC.

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Policies
Adopted by the MSRC

- Policy #1.** Membership of the MSRC shall be as follows:
1. There shall be designated alternate representatives for the MSRC. The appointing authority shall submit the name of the alternate in writing to the MSRC chairperson;
 2. With the exception of the CARB representative, no representative shall serve on both committees.
- Policy #2.** Annually, during the month of May, the MSRC shall elect a Chairperson and Vice Chairperson by majority vote of MSRC members. The MSRC Chairperson must be an elected official and cannot be the AQMD or the CARB representative on the MSRC. The Chairperson and Vice Chairperson can serve for as many terms as election results allow.
- Policy #3.** The Chairperson and Vice Chairperson, of the TAC shall be elected annually in the month of May by majority vote of the TAC members present. The TAC Chairperson and Vice Chairperson can serve for as many terms as election results allow.
- Policy #4.** MSRC members shall comply with the SCAQMD's *Conflict of Interest Code*.
- Policy #5.** Procedure for MSRC meetings shall be as follows.
1. Regular Meetings shall be held at least bi-monthly.
 2. A majority of the voting members of the MSRC shall constitute a quorum, and all action at a meeting shall require the affirmative vote of a majority of the voting members.
 3. At any regular meeting not held for lack of a quorum, the members present, if less than a quorum, may constitute themselves a "Committee of the Whole", for purposes of discussing agenda matters or any other matter of interest to the members present. The committee shall automatically cease if a quorum is reached.
 4. The Chairperson may designate standing and ad hoc committees subject to the concurrence of the MSRC members and shall make appointment to all committees.
 5. All agenda items shall be submitted by MSRC members in writing to the committee secretary 15 days prior to the next scheduled meeting with a written copy to the Chairperson.
 6. The MSRC meetings shall be conducted, and public comments allowed, in accordance with the Ralph M. Brown Act. Public comments shall be limited by the discretion of the Chairperson.

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7. Rules and procedures shall be at the discretion of the Chairperson and consistent with both state and federal laws.

Policy #6. The procedure for developing the work program shall be as follows.

1. The MSRC, with the assistance of the Technical Advisory Committee (TAC), shall develop a list of priority areas for the reduction of mobile source emissions for funding yearly. The list will be organized by category and target funding level. In addition, the MSRC, with the assistance of the TAC, shall develop a Request for Proposals (RFP) or RFPs reflecting these priorities and submit it to the AQMD Governing Board for approval.
2. The MSRC shall develop a description of the selection process and criteria to be used in evaluating proposals. This information shall be included with the RFP and also be available for public inspection at the District headquarters.
3. A bidder's conference shall be conducted subsequent to the mailing of the RFP, to specify RFP requirements, evaluation criteria and process, and answer questions the prospective applicants may have.
4. The MSRC/TAC/Consultant Advisor shall adhere to District and MSRC Policy in the issuance of RFPs and receipt of proposals.
5. Upon receipt of proposals in response to the RFP, the TAC, with the assistance of the MSRC's technical Consultant Advisor, shall evaluate the proposals for funding and provide initial funding recommendations to the MSRC. District's technical staff may participate in the evaluation process as mutually agreed upon by the MSRC and the District.
6. The TAC will forward this initial evaluation to the MSRC for its consideration. No ex parte communications will occur between any proposer and the TAC members beginning with the closing date of the RFP through the date of submittal of the recommended projects to the MSRC unless the MSRC directs oral reviews as part of the evaluation process. In transmitting the work program to the MSRC the TAC recommendations shall include:
 - a) A rank order listing of all projects by category with a demarcation of the targeted funding level;
 - b) A description of each project including estimated emissions reductions as appropriate and a statement demonstrating the extent of compliance with the Clean Air Act, or the 1991 AQMP, or its successor plans;
 - c) The amount of funding and co-funding, if appropriate, recommended and any conditions associated with the recommendation.

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7. The Consultant Advisor shall notify all applicants of the TAC work program recommendation to MSRC and of the time, date and place at which the MSRC will consider it.
8. The MSRC will review the TAC recommendations and adjust, change or reevaluate any or all proposals as the MSRC deems appropriate. Upon final selection of the successful applicants and adoption of the listing by the MSRC, a work program will be submitted to the AQMD Governing Board for approval. Upon approval by the AQMD, or as deemed approved by law, and not before, the successful applicants will be formally notified of their selection.
9. In transmitting the work program to the AQMD Governing Board, the MSRC shall provide:
 - a) A cover letter requesting funding approval for the successful applicants;
 - b) A listing of proposals recommended for funding;
 - c) A description of each project including resulting estimated reductions in mobile emissions or the manner of compliance with the California Clean Air Act of 1991, as amended, or the District's Air Quality Management Plan, as amended;
 - d) The amount of funding recommended and any conditions associated with the recommendation.
10. The Chairperson of the MSRC shall be responsible for communicating the MSRC's adopted work program to the District's Governing Board for approval.
11. All unsuccessful applicants will be notified after the work program is approved.
12. With each successful applicant, District staff and the Consultant Advisor shall negotiate a statement of work and a contract. Prior to execution of the contracts between the successful applicants and the District, the MSRC shall review the standard contract language.
13. During contract negotiation, the Consultant Advisor shall perform a due diligence review of successful applicants and recommend to the MSRC to eliminate any costs or work tasks found to be unjustifiable or unwarranted.
14. The District staff and the Consultant Advisor are authorized to enter into contract negotiations with the successful applicants. Negotiations are to be within the approved funding limit. The 5% variance margin can be approved by a MSRC subcommittee appointed for that specific purpose. Negotiations outside this range are to be referred back to the MSRC for committee action and District Governing Board approval prior to contract signing.

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15. An amount of 10% of each recipient's funding will be withheld pending review of the final report for compliance by the MSRC.
16. All contracts resulting from implementation of the MSRC work program shall be processed on a first in, first out basis, respecting account schedules and draw down issues.
17. Costs associated with the administration of the work program are to be charged to the AB 2766 Discretionary Fund. The Chairperson of the MSRC and the Executive Officer shall approve all administrative invoiced costs prior to payment.

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- Policy #7.** The MSRC Chairperson shall appoint a subcommittee to facilitate contracts. The Subcommittee will work with the MSRC's Consultant Advisor and make decisions regarding specifying the scope of work to be contained in the contract to reflect the intent of the MSRC in adopting the work program. Any significant issue or change in scope, as determined by the MSRC Chairperson, shall be forwarded to the MSRC for a full committee policy decision.
- Policy #8.** The District and the MSRC's Consultant Advisor shall track the expenditures of the AB 2766 Discretionary Fund account and report monthly to the MSRC. This will insure sufficient funds being available at the beginning of January of each accounting year to fund the next year's successful applicants for their one year time period of performance.
- Policy #9.** The funding cycle for the AB 2766 Discretionary Fund Program shall be from July 1 to June 30 of the following year. The MSRC, working with the District staff, shall establish a contracting and disbursement schedule to maximize the utilization of funds while maintaining a prudent balance to meet all required contractually obligated funding. The MSRC shall annually adopt a schedule for the submission, evaluation, and approval of work program projects.
- Policy #10.** The MSRC shall require, as a contract condition, that each funding recipient prepare a final report upon the conclusion of the project and submit the report to the MSRC for approval. The contents of the final report shall be determined by the TAC, with the assistance of the Consultant Advisor. Using the information from the final reports, and other such information and analysis as may be appropriate, the MSRC, shall authorize the final 10% payment to the recipient. Annually, the MSRC, as appropriate shall submit to the District Board a report on all projects completed during the preceding year.
- Policy #11.** To protect the interest of the MSRC and the District in the event an AB 2766 Discretionary Fund applicant becomes insolvent or files for bankruptcy during the term of the contract or does not complete the intent of the project, contract terms and conditions shall include language directing that title to equipment purchased for the performance of this contract with AB 2766 Discretionary Funds shall revert to the District for disposition to the AB 2766 Discretionary Fund account. Contract terms and conditions shall also include provisions for repayment of monies to the AB 2766 Discretionary Fund account in the event that activities funded result in an item or concept being patented and made commercially available. The limit of repayment will be to the level of the original applicant funding amount. Products resulting from non-profit or government agency expenditure of AB 2766 Discretionary Funds will be in the public domain and made available at cost.

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Policy #12. The Consultant Advisor shall maintain a database of all work program projects. All funded projects must submit a final report containing the project's achievements and the project's mobile source emission reduction findings that shall be maintained in the database. The database information will be made available, in accordance with the contract terms for each funded project and the Public Records Act, to the public by requests made through the Public Records Unit of the District.

Policy #13. All inquiries regarding actions taken by the MSRC, MSRC/TAC, MSRC/Consultant Advisor are to be brought before the MSRC for response and disposition. The MSRC Chairperson is the designated spokesperson.

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Policy #14. The MSRC shall treat all successful applicant proposals as fixed price contracts for a negotiated statement of work. For payment purposes, the contractor shall submit an itemized invoice to the Consultant Advisor referencing a milestone (task) completed or a percentage of work accomplished (monthly progress payment) and detailing line item expenditures against the Cost Schedule of the contract. On a case-by-case basis, the Consultant Advisor may request MSRC approval for an alternative payment method, such as advance payment. The Consultant Advisor shall verify the accuracy of the

The existing policy of the MSRC is to develop a work program based on anticipated revenues for a funding cycle beginning July 1 and ending June 30 of the following year.

Policy #

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**Enacted
Policy Decisions of the MSRC**

The representative of each of the agencies comprising the MSRC, as specified in the California Health & Safety Code, must be designated in writing by their agency and must be an elected official. The agencies can change their designated representative at any given time by giving notice in writing. - January 17, 1991.

A representative and an alternate to the MSRC must be designated in writing by each agency specified in the Health & Safety Code and each must meet the same criteria. The alternate must be designated to vote, when acting in the absence of the representative, for the agency they represent. - January 17, 1991.

The chair of the MSRC must be an elected official and neither the SCAQMD representative or the CARB representative can chair the Committee. - January 17, 1991.

The initial designated rideshare agency will be Commuter Transportation Services. - January 17, 1991.

Members of the TAC shall not include any person serving as a member of the MSRC nor as an alternate to the MSRC. - January 17, 1991.

All contracts resulting from implementation of the MSRC work program shall be processed on a first in, first out basis, respecting account schedules and draw down issues. - January 27, 1992.

The MSRC Chair, or the Chair's designee shall be granted the authority to work with the MSRC's Consultant Advisor to make decisions on revising contract language and to decide whether or not an issue must be forwarded to the MSRC for a full committee policy decision. - March 23, 1992.

The administrative contract management for the MSRC shall be authorized to have discretion of a 5% funding flexibility. - March 23, 1992.

The MSRC members shall adopt and comply with the SCAQMD's Conflict of Interest Code. - May 14, 1992.

The MSRC shall allow public comments to be heard, comments shall be limited to two minutes per speaker. - October 26, 1992.