



NEW YORK STATE CLEAN AIR SCHOOL BUS PROGRAM, ROUND 3

Program Opportunity Notice (PON) 1896
Approximately \$1.7 Million Available

**Applications accepted June 22, 2010 to December 30, 2013 by 5:00 PM
Eastern Time, or Until all Funds are Exhausted***

The New York State Energy Research and Development Authority (NYSERDA) is seeking applications for the **New York State Clean Air School Bus Program, Round 3** (the Program). Applicants can apply for a project grant to have their currently operating school buses retrofitted with US Environmental Protection Agency (EPA) or California Air Resource Board (CARB)-certified/verified, emission-reducing technology or New York State Department of Transportation-approved diesel fuel-fired coolant heaters that provide supplemental heat for preheating the engine coolant and passenger compartment. Included in these emission-reducing technologies would be oxidation catalysts, crank-case ventilation filters, flow-through filters, and particulate traps or filters and NO_x controls. Applicants can also apply for a project grant to support the purchase of an alternative fuel bus. Eligible applicants include municipalities, school districts, private contractors, and State agencies, departments, and public authorities.

This PON solicits applications for Projects that generate environmental and energy benefits by introducing either emission-reducing technology and idling-reduction for diesel-fueled buses or alternative fuel buses into school bus fleets and accelerating the introduction of these technologies into the market. Funds will be committed based on approved applications that meet the criteria described in Sections II and III of this document.

Approximately \$1.7 million of environmental settlement funds, US Environmental Protection Agency funds, and 1996 Clean Water/Clean Air Bond Act funds are currently available on an open-enrollment basis for the Program. Through this Program, funds may be awarded for up to 100% of the equipment and installation costs of the eligible, emission-reducing technology for one or more school buses, up to the maximum per bus as described in Section II. No applicant may receive more than \$100,000 for Idling Reduction Equipment. Funds for the Program will not be used to fund federal, State or local mandated school bus emission reduction or anti-idling projects.

Applications must be approved by the applicant's governing body and will be considered in the order they are received, beginning June 22, 2010 and ending December 30, 2013 at 5:00 PM Eastern Time.

Application Submission: Send **one (1)** clearly labeled and completed applicant checklist (**Attachment A**) attached to the front of the disclosure of prior findings of non-responsibility (**Attachment B**) and project application (**Attachment C**), all containing an original signature, to:

**Adam Ruder, PON 1896
NYS Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399**

Program questions can be directed to **Adam Ruder** at **(866) NYSERDA, ext. 3411** or **ar3@nyserda.ny.gov**.
Contractual questions may be directed to **Nancy Marucci** at **ext. 3335** or **nsm@nyserda.ny.gov**.

*Late, incomplete, or unsigned applications will be returned. Faxed or e-mailed applications will not be accepted. Applications will not be accepted at any other NYSERDA location other than the address above. If changes are made to this solicitation, notification will be posted on NYSERDA's website at nyserda.ny.gov.

I. INTRODUCTION:

The New York State Clean Air School Bus Program, Round 3 (the Program) solicits applications for Projects that generate environmental and energy benefits by introducing either emission-reducing technology and idling-reduction for diesel-fueled buses or alternative fuel buses into school bus fleets and accelerating the introduction of these technologies into the market.

The funds available through this PON for State-assistance payments are to be awarded by NYSE RDA through an open-enrollment solicitation on a first-come, first-served basis to eligible entities for Projects. **Eligible entities include: municipalities, school districts, private contractors, state agencies and departments, and state public authorities that own or operate public school buses.** Location dependent funds for this voluntary emission reduction program will not be used to fund Federal, State or Local mandated school bus retrofit projects.

Round 3 of the Program will retrofit school buses with Clean Air School Bus Equipment and Idling Reduction Equipment and will provide funding for Alternative Fuel School Buses. Funding for Round 3 comes from several sources including: environmental settlement funds, US Environmental Protection Agency funds, and 1996 Clean Water/Clean Air Bond Act (Bond Act) funds. The settlement funds are targeted at specific regions within the State; therefore, it is possible that funding may be available in one or more of those regions and not statewide if the statewide funds are exhausted before the settlement funds are.

DEFINITIONS:

Alternative Fuel School Bus. School bus that operates using exclusively propane, compressed natural gas (CNG), or electricity or that has a drivetrain consisting of a gasoline or diesel engine and an electric motor (either a charge-sustaining or charge-depleting hybrid electric bus). Propane, CNG, and electric buses may either be direct from the original equipment manufacturer or converted to run on the alternative fuel.

Clean Air School Bus Equipment. Equipment must be EPA or CARB-verified. Eligible emission-reducing equipment and technologies include: diesel oxidation catalysts (DOCs), crank-case ventilation filters (CCVs), and diesel particulate traps or filters (DPFs) that decrease the emissions of particulate matter, hydrocarbons, oxides of nitrogen, carbon monoxide, and toxic air pollutants, and are not part of a standard/required engine configuration (i.e., if the equipment is required by law to be installed on the bus for the bus to be operated, then the equipment would not be eligible). Equipment must be sold under standard commercial terms from one or more EPA- or CARB-verified, emission-reducing technology manufacturers.

Governing Body. For a county outside the City of New York, the governing body is the board of supervisors or other elective governing body. For a city or village, the governing body is the local legislative body thereof, as the term is defined in Municipal Home Rule Law. For a town, the governing body is the town board. For a school district, the governing body is the board of education thereof. For a supervisory district, the governing body is the board of cooperative educational services thereof. For a public benefit corporation, the governing body is the board of directors, members or trustees thereof. For a public authority, the governing body is the board of directors, members, or trustees thereof. In the case of an Indian tribe, the governing body is that which is recognized as such by the United States or the State of New York. For the Program, the authorization may come from the Superintendent of the school district. For a private company this is any individual with the authority to enter into a contractual agreement on behalf of the company.

Idling Reduction Equipment. Eligible idling-reducing equipment and technologies exclusively include: on-board diesel fuel-fired coolant heaters that are not part of a standard/required engine configuration (i.e., if the equipment is required by law to be installed on the bus for the bus to be operated, then the equipment would not be eligible). Equipment must be sold under standard commercial terms from one or more New York State Department of Transportation-qualified idling reduction technology vendors. Eligible coolant heaters must be for a supplemental heat application and must have an output of 40,000 BTU/hour or greater. The only New York State Department of Transportation-qualified vendors at this time are Espar Heater Systems, Teleflex Power Systems, and Webasto Products North America.

Municipality. A local public authority or public benefit corporation, a county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town or village, or Indian nation or tribe recognized by New York State or the United States with a reservation wholly or partly within the boundaries of New York State, or a combination thereof.

Private contractor. A private company or proprietorship which provides school bus service to a school district or non-public school.

Project. The installation of eligible Clean Air School Bus Equipment or Idling Reduction Equipment on a currently owned and operated diesel-fueled school bus in New York State. The Program will only pay for eligible equipment and the cost of installing the eligible equipment. The Program will not pay for datalogging or diagnostic testing to determine the suitability of Clean Air School Bus Equipment to a specific vehicle. The Program will only pay for Idling Reduction Equipment in the

Southern Tier Counties, Western New York Counties, and Rochester Region Counties.

School Bus. Any motor vehicle that has a seating capacity of 15 or more passengers in addition to the driver and is used exclusively for the transportation of New York State school children on public highways. A bus used exclusively for the transportation of disabled children that has a capacity of fewer than 15 students also meets this definition.

State-Assistance Payment. Payment of the New York State share of approved costs for Projects that preserve, enhance, restore and improve the quality of the State's environment.

Southern Tier Counties. Broome, Yates, and Seneca Counties.

Western New York Counties. Chautauqua, Erie, Niagara, Orleans, Genesee, Wyoming, Allegany, and Cattaraugus Counties.

Rochester Region Counties. Orleans, Monroe, Wayne, Ontario, and Livingston Counties

Eastern Hudson Valley Counties. Westchester, Putnam, and Dutchess Counties

II. PROGRAM REQUIREMENTS

For Projects, State-assistance payments may be awarded for up to 100% of the equipment and installation costs of Clean Air School Bus Equipment or Idling Reduction Equipment on one or more currently operating diesel-powered School Buses, up to the per device per bus limits described below, or up to 100% of the incremental cost (the difference in cost between an Alternative Fuel School Bus and an equivalent diesel or gasoline bus) or conversion costs for Alternative Fuel School Buses, up to the per bus limit described below.

NYSERDA will reimburse applicants up to the following amount per device per bus. If the total cost of the equipment and installation or the total incremental or repower cost exceeds the maximum reimbursable amount, the applicant will be responsible for any remaining costs. The amount for which reimbursement may be requested is the lesser of 1) the costs stated in the application, or 2) the actual eligible costs.

Clean Air School Bus Equipment

- CARB Level 1-verified devices and EPA-verified devices achieving 20% to 40% PM reductions, i.e. diesel oxidation catalysts (DOCs): **\$2,150**
- CARB Level 3-verified devices and EPA-verified devices achieving at least 85% PM reductions i.e. diesel particulate filters (DPFs): **\$10,500**
- Closed crankcase ventilation filters (CCVs): **\$1,000**

Idling Reduction Equipment

- Diesel fuel-fired coolant heaters (DFCHs): **\$3,400**

Alternative Fuel School Buses

- Propane, Compressed Natural Gas (CNG), Electric, and Hybrid Electric School Buses: **\$7,500**

School Buses may be retrofitted with one CCV and one other type of Clean Air School Bus Equipment. School Buses that are retrofitted with Idling Reduction Equipment may also be retrofitted with one CCV and/or one other type of Clean Air School Bus Equipment. Hybrid electric school buses may also be retrofitted with Idling Reduction Equipment.

School Buses retrofitted with Clean Air School Bus Equipment or Idling Reduction Equipment through the Program and Alternative Fuel School Buses purchased under the Program must be used on a regular daily route to and from a school and must be driven at least 3,000 miles per year. Recipients must retain ownership of any School Buses retrofitted as part of the Program for at least three (3) years after the Clean Air School Bus Equipment or Idling Reduction Equipment installation date and must operate the School Buses in the county where they are put into operation immediately following the retrofit installation for at least three (3) years after the installation date. Recipients must retain ownership of any Alternative Fuel School Buses purchased as part of the Program for at least seven (7) years after the purchase or conversion of the buses and must operate the School Buses in the county where they are put into operation for at least seven (7) years after the purchase or conversion date.

School Buses with engine model years of 2007 or newer are not eligible to receive funding for Clean Air School Bus Equipment.

This solicitation is funded through a variety of sources. NYS Clean Water/Clean Air Bond Act and US Environmental Protection Agency funding is available for Projects throughout New York State. Funding from the settlement of separate lawsuits by the New York State Office of the Attorney General (OAG) against the AES Company, American Electric Power Service Corp., Niagara Mohawk, and Rochester Gas and Electric Company is available for Projects located in three target areas that were affected by power plants owned or operated by these companies in Southern Tier Counties, Eastern Hudson Valley Counties, Western New York Counties, and Rochester Region Counties respectively.

The available settlement funds are targeted at specific regions within New York State; therefore, accepted applications from those regions will receive funding from the appropriate settlement funds until they are exhausted, after which they would receive funding from the statewide funding pool. It is possible that funding may be available in one or more of those regions and not statewide if the statewide funds are exhausted before the settlement funds are. Applications will be sorted into different categories, depending on the location of the school district.

Category A will use funds from a settlement between the Office of the Attorney General (OAG) and AES Corporation (AES) to serve Southern Tier counties impacted by power plants operated by AES (Broome, Yates, and Seneca Counties). Open to public and private School Bus operators.

Category B will use funds from a settlement between the OAG and the former Niagara Mohawk Power Corporation (Niagara Mohawk) to serve Western New York counties that were impacted by power plants owned at one time by Niagara Mohawk (Chautauqua, Erie, Niagara, Orleans, Genesee, Wyoming, Allegany, and Cattaraugus counties). Open to public and private School Bus operators.

Category C will use funds from a settlement between the OAG and Rochester Gas and Electric Corporation (RG&E) to serve Rochester Region counties that were impacted by power plants owned at one time by RG&E (Orleans, Monroe, Wayne, Ontario, and Livingston Counties). Open to public and private School Bus operators.

Category D will use Bond Act funds and EPA grant funds to serve all eligible applicants throughout New York State. Open to public fleets, but a school district may apply on behalf of a contractor as long as ownership of the equipment will remain with the district.

Category E will use funds from a settlement between the OAG and the American Electric Power Service Corp. (AEP) to serve Eastern Hudson Valley counties (Westchester, Putnam, and Dutchess counties). Open to public and private School Bus operators.

Category A, B, and C funds may be used for either Clean Air School Bus Equipment or Idling Reduction Equipment. Category D funding may be used for Clean Air School Bus Equipment, Idling Reduction Equipment, or Alternative Fuel School Buses. Category E funding may only be used for Idling Reduction Equipment. Categories A, B, C, and E funding may NOT be used for Alternative Fuel School Buses.

No applicant may receive more than \$100,000 in Idling Reduction Equipment.

Caps on the amount of funds awarded to a single applicant may be imposed for this funding.

Funds cannot be used to supplant financial resources committed by the governing body for Projects prior to the date of application. Commitment of financial resources is deemed to commence with the execution of purchase orders or contracts for any of the equipment or other cost items for which funding is requested.

Funds awarded through the Program should be committed (purchase orders or contracts executed) within six (6) months of the date of award. Funds not committed by that date may be reallocated to other Projects which were not initially awarded funds, or may be added to funds available in subsequent rounds of the Program.

In cases where one governing body operates or controls more than one operating subsidiary, each subsidiary is considered a separate applicant.

Buses that are retrofitted with eligible equipment for which State-assistance payments are awarded may be operated by another entity through an operating license or operating agreement provided such agreement is consistent with Federal income tax regulations pertaining to the use of proceeds from tax-exempt bonds (i.e., a school district owns the buses but contracts for the operation of the publicly owned buses).

Businesses that contract to provide transportation services for a public entity, where the business retains ownership of the buses, **are not** eligible to apply directly for Category D but may apply directly for category A, B, C, and E funds.

All applications are subject to review for compliance with Federal income tax rules and regulations pertaining to the use of tax-exempt bond proceeds as determined by New York State Bond Counsel. Applicants receiving Category D funds will

be required to certify compliance with Federal income tax rules and regulations.

The cost of fuel is not eligible under the Program.

The cost of datalogging or diagnostic testing to determine the suitability of Clean Air School Bus Equipment to a specific vehicle is not eligible under the Program.

Funds awarded through the Program may not be used for any administrative or operating expenses incurred by the recipient of funds. Funds will be reimbursed for eligible costs upon submission and approval of invoices.

State-assistance payments awarded through the Program may not be used for any administrative or operating expenses incurred by the recipient of funds. State-assistance payments will be reimbursed for eligible costs upon submission and approval of invoices.

Recipients will be required to provide milestone reports based on the proposed schedule of equipment procurement. Recipients will also be required to provide brief annual reports for three (3) years following the introduction of the funded equipment. Such reports should include data on the operation of the bus(es) including: fuel usage, miles driven, hours spent idling (for buses retrofitted with Idling Reduction Equipment), maintenance events and costs, problems and concerns, and emissions test results (if available).

III. APPLICATION REQUIREMENTS

Applications submitted in response to this PON must be approved by the applicant's governing body. Applications will be accepted on a first-come, first-served basis starting on **June 22, 2010**. Applicants must complete and submit **one (1)** copy of the completed application to the attention of Adam Ruder at the address on the front of this PON. The application will consist of:

- **Application Checklist (Attachment A)**, which must be signed by a person authorized to commit the organization;
- **Disclosure of Prior Findings of Non-Responsibility (Attachment B)**; and
- **Clean Air School Bus Program Application Form (Attachment C)**, which requires information and documentation related to the selection criteria.

Applications that do not meet Program requirements and applications lacking the appropriate completed and signed Application Checklist will be returned. Faxed or e-mailed copies will not be accepted.

An application for a Clean Air School Bus Equipment or Idling Reduction Equipment Project requires a list of the applicant's diesel-fueled School Buses to be retrofitted, categorized by type of Clean Air School Bus Equipment or Idling Reduction Equipment with which the School Buses will be retrofitted, and by the bus manufacturer and engine manufacturer/model and model year. An application for Alternative Fuel School Buses requires a list of buses the applicant intends to purchase, categorized by the type of fuel used and by the bus manufacturer and engine manufacturer/model and model year.

All applications for Clean Air School Bus Equipment or Idling Reduction Equipment must include price quotes from at least 2 different vendors for comparable Clean Air School Bus Equipment or Idling Reduction Equipment.

All applications for new Alternative Fuel School Buses must include one price quote for an alternative fuel bus and one price quote for an equivalent diesel or gasoline bus. Applications for converted Alternative Fuel School Buses must include one price quote for converting the bus to run on either propane, CNG, or electricity.

Applicants must comply with their own procurement procedures in selecting vendors for the Program.

For Clean Air School Bus Equipment that requires a specific duty cycle to guarantee operability (e.g. passive particulate traps or filters), an applicant may apply for funds with the intention of verifying the duty cycle once the award has been made. If the duty cycle is found to not be capable of supporting the proposed equipment or the projected emission benefit, the applicant may then request a change in project scope from NYSERDA for a different type of Clean Air School Bus Equipment (e.g. diesel oxidation catalyst). The change in scope will be evaluated based on the availability of funding.

In order to be considered for an award, each application must meet the following minimum qualifications:

- The application must be submitted by an eligible entity and be consistent with the eligibility criteria and Program Requirements described in this PON.
- The application must provide all information requested in **Attachment C**.

- The proposed Project must result in a reduction of environmental emissions.
- School Buses retrofitted with Clean Air School Bus Equipment or Idling Reduction Equipment and Alternative Fuel School Buses must be used on a regular daily route to and from a school and must be driven at least 3,000 miles per year.
- School Buses retrofitted with Idling Reduction Equipment must not be stored inside a heated building, which preempts the need for coolant heaters.
- School Buses with engine model years of 2007 or newer are not eligible to receive funding for Clean Air School Bus Equipment.

NYSERDA will enter into agreements with each entity awarded funds. A sample agreement is included with this PON as **Attachment D**.

Applications should not be excessively long or submitted in an elaborate format that includes expensive binders or graphics. Unnecessary attachments beyond those sufficient to present a complete, comprehensive, and effective response will not influence the evaluation of the application. Each page of the application should state the name of the applicant, the PON number, and the page number.

IV. APPLICATION EVALUATION

Applications will be reviewed by NYSERDA to determine whether the application meets the Program's qualifications. Applications that do not meet these qualifications will not be considered for funding. Reasons for removing the application from consideration for funding shall be provided to the applicant in writing.

Applications will be reviewed for compliance with Program rules and procedures, eligibility, and completeness. NYSERDA may reject the application or, if needed, contact the applicant for additional information regarding the fleet and/or vehicle(s). Partial awards are possible if NYSERDA does not have enough money to fully fund a Project. NYSERDA will continue funding approved applications until either the funds are exhausted or the Program expiration date, whichever comes first. The settlement funds are targeted at specific regions within the State; therefore, it is possible that funding may be available in one or more of those regions and not statewide if the statewide funds are exhausted before the settlement funds are. In this case, applications will only be accepted for the regions where funding is still available.

Applicants may apply for installations of technology from one or more eligible vendors; they are not limited to purchasing from a single vendor.

Once NYSERDA confirms that an application complies with Program rules and procedures, it will issue a Contract Agreement. Applicants will have nine (9) months to complete their retrofits after the contract is executed. Applicants may apply for extensions, which may or may not be approved at NYSERDA's sole discretion.

In the event two applications are received at the same time and would exhaust available funds, funding decisions will be made based upon, in descending priority, Project cost, funding received in previous rounds of the program, commitment to operate Clean Air School Bus Equipment, School Bus Idling Reduction Equipment, or Alternative Fuel School Buses for longer than the minimum required time period, and equitable distribution of funds between counties and between school districts.

V. GENERAL CONDITIONS

Proprietary Information - Careful consideration should be given before confidential information is submitted to NYSERDA as part of your application. Review should include whether it is critical for evaluating an application, and whether general, non-confidential information, may be adequate for review purposes.

The NYS Freedom of Information Law, Public Officers law, Article 6, provides for public access to information NYSERDA possesses. Public Officers Law, Section 87(2)(d) provides for exceptions to disclosure for records or portions thereof that "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise." Information submitted to NYSERDA that the proposer wishes to have treated as proprietary and confidential trade secret information, should be identified and labeled "Confidential" or "Proprietary" on each page at the time of disclosure. This information should include a written request to exempt it from disclosure, including a written statement of the reasons why the information should be exempted. See Public Officers Law, Section 89(5) and the procedures set forth in 21 NYCRR Part 501 www.nyserda.org/about/nyserda.regulations.pdf. However, NYSERDA cannot guarantee the confidentiality of any information submitted.

Omnibus Procurement Act of 1992 - It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority- and women-owned business enterprises, as bidders, subcontractors, and suppliers on its procurement Agreements.

Information on the availability of New York subcontractors and suppliers is available from:

Empire State Development
Division For Small Business
30 South Pearl Street
Albany, NY 12245

A directory of certified minority- and women-owned business enterprises is available from:

Empire State Development
Minority and Women's Business Development Division
30 South Pearl Street
Albany, NY 12245

State Finance Law sections 139-j and 139-k - NYSERDA is required to comply with State Finance Law sections 139-j and 139-k. These provisions contain new procurement lobbying requirements which can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html>

The attached Application Checklist calls for a signature certifying that the proposer will comply with State Finance Law sections 139-j and 139-k and the Disclosure of Prior Findings of Non-responsibility form includes a disclosure statement regarding whether the proposer has been found non-responsible under section 139-j of the State Finance Law within the previous four years.

Tax Law Section 5-a - NYSERDA is required to comply with the provisions of Tax Law Section 5-a, which requires a prospective contractor, prior to entering an agreement with NYSERDA having a value in excess of \$100,000, to certify to the Department of Taxation and Finance (the "Department") whether the contractor, its affiliates, its subcontractors and the affiliates of its subcontractors have registered with the Department to collect New York State and local sales and compensating use taxes. The Department has created a form to allow a prospective contractor to readily make such certification. See, ST-220-TD (available at http://www.tax.state.ny.us/pdf/2007/fillin/st/st220td_507_fill_in.pdf). Prior to contracting with NYSERDA, the prospective contractor must also certify to NYSERDA whether it has filed such certification with the Department. The Department has created a second form that must be completed by a perspective contractor prior to contacting and filed with NYSERDA. See, ST-220-CA (available at http://www.tax.state.ny.us/pdf/2006/fillin/st/st220ca_606_fill_in.pdf). The Department has developed guidance for contractors which is available at <http://www.tax.state.ny.us/pdf/publications/sales/pub223.pdf>

Contract Award - NYSERDA anticipates making multiple awards under this solicitation. It may award a contract based on initial applications without discussion, or following limited discussion or negotiations. Each offer should be submitted using the most favorable cost and technical terms. NYSERDA may request additional data or material to support applications. NYSERDA will use the Sample Agreement to contract successful applications. NYSERDA expects to notify applicants in approximately two (2) weeks from the receipt of an application whether or not their applications have been selected to receive an award.

Limitation - This solicitation does not commit NYSERDA to award a contract, pay any costs incurred in preparing a application, or to procure or contract for services or supplies. NYSERDA reserves the right to accept or reject any or all applications received, to negotiate with all qualified sources, or to cancel in part or in its entirety the solicitation when it is in NYSERDA's best interest.

Disclosure Requirement - The proposer shall disclose any indictment for any alleged felony, or any conviction for a felony within the past five years, under the laws of the United States or any state or territory of the United States, and shall describe circumstances for each. When a proposer is an association, partnership, corporation, or other organization, this disclosure requirement includes the organization and its officers, partners, and directors or members of any similarly governing body. If an indictment or conviction should come to the attention of NYSERDA after the award of a contract, NYSERDA may exercise its stop-work right pending further investigation, or terminate the agreement; the contractor may be subject to penalties for violation of any law which may apply in the particular circumstances. Proposers must also disclose if they have ever been debarred or suspended by any agency of the U.S. Government or the New York State Department of Labor.

VI. ATTACHMENTS

Attachment A: PON 1896 Application Checklist
Attachment B: Disclosure of Prior Findings of Non-Responsibility
Attachment C: Clean Air School Bus Program Application
Attachment D: Sample Agreement