

**AMENDMENT TO
PROFESSIONAL SERVICES CONTRACT AP111206**

**between
The Santa Barbara County Air Pollution Control District
and
Black Road Auto & Tow [AP111206]**

This Amended Professional Services Contract is entered into this _____ day of _____ 2016 by and between the Santa Barbara County Air Pollution Control District, hereinafter referred to as "DISTRICT," and Black Road Auto & Tow, hereinafter referred to as "CONTRACTOR", and collectively referred to as "the PARTIES".

RECITALS

WHEREAS, on October 20, 2011, the PARTIES entered into a Professional Services Contract to facilitate the implementation of the DISTRICT's Old Car Buy Back Program, and Professional Services Contract AP111206 was amended October 17, 2013.

WHEREAS, the Professional Services Contract AP111206 term shall end on October 20, 2016, as specified in Condition 2 (Time of Performance).

WHEREAS, the DISTRICT has authorized spending of funds not to exceed \$1,250,000 to the CONTRACTOR as part of Condition 3 (Contract Funding).

WHEREAS, the PARTIES wish to amend the Professional Services Contract AP111206 to increase the time available for authorization under Condition 2 (Time of Performance) which will allow CONTRACTOR to do additional work.

WHEREAS, the PARTIES wish to amend the Professional Services Contract AP111206 to increase the funds available for authorization under Condition 3 (Contract Funding) which will allow CONTRACTOR to do additional work.

WHEREAS, the PARTIES wish to amend the Professional Services Contract AP111206 to modify the requirements of operating the program under ATTACHMENT B (Program Requirements) which will allow CONTRACTOR to increase the vehicle model year to 1994 or older and perform the work in compliance with the most recent California Air Resources Board regulations.

NOW, THEREFORE, in consideration of the mutual promises and undertakings herein made and the mutual benefits to be derived therefrom, the PARTIES hereby agree to amend the Professional Services Contract AP111206 as follows:

1. Condition 2 (Time of Performance) to be amended as follows:

This Contract shall commence on the date of signing by CONTRACTOR and DISTRICT Board of Directors. The Contract term shall be ~~five~~ ten years unless terminated sooner in accordance with Paragraph 12 (Termination).

2. Condition 3 (Contract Funding) to be amended as follows:

DISTRICT hereby agrees to authorize spending of funds to CONTRACTOR in the amount not to exceed ~~\$1,250,000~~ \$2,500,000 for the CONTRACTOR to purchase and permanently retire old motor vehicles.

3. ATTACHMENT B (Program Requirements) to be amended as follows and attached below:

The vehicle must be a **1994** Model Year or older diesel or gasoline-powered vehicle up to 10,000 pounds gross vehicular weight rating. The Model Year may be changed at the DISTRICT's discretion to a **1995** Model Year or older vehicle; should the DISTRICT choose to change the model year, the DISTRICT will notify the CONTRACTOR in writing and will provide updated program forms.

4. In all other respects, this Professional Services Contract AP111206 shall remain unchanged and in full force and effect.

//

//

//

//

//

//

//

//

//

//

IN WITNESS THEREOF, the undersigned parties have executed this Amendment to Professional Services Contract AP111206 between the Santa Barbara County Air Pollution Control District and Black Road Auto & Tow, executed at Santa Barbara, California on the day and year first written above.

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT,
STATE OF CALIFORNIA

ATTEST:

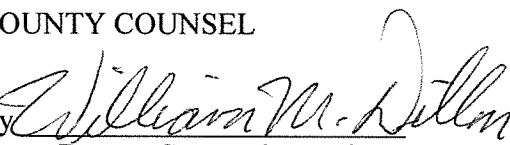
AERON ARLIN GENET
CLERK OF THE BOARD

By _____
Chair

By _____
Deputy

Date: _____

APPROVED AS TO FORM
MICHAEL C. GHIZZONI
COUNTY COUNSEL

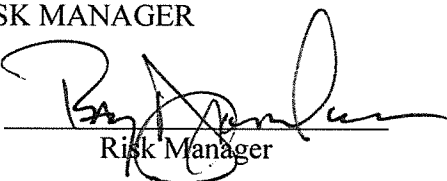
By 
Deputy County Counsel

CONTRACTOR:

BLACK ROAD AUTO & TOW

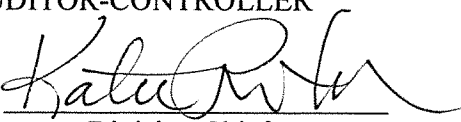
By _____
Lorne Leeds
Owner

APPROVED AS TO FORM:
RAY AROMATORIO, ARM, AIC
RISK MANAGER

By 
Risk Manager

Date: _____

APPROVED AS TO ACCOUNTING
FORM:
THEODORE A. FALLATI, CPA, CPFO
AUDITOR-CONTROLLER

By 
Division Chief
Advanced & Specialty Accounting

ATTACHMENT B
PROGRAM REQUIREMENTS

~~CONTRACTOR will purchase and scrap eligible vehicles in compliance with the following requirements and procedures and in compliance with the California Air Resources Board (CARB) Voluntary Accelerated Vehicle Retirement regulations, California Code of Regulations, Title 13, Sections 2601, et. seq., (the "VAVR Regulations"). The CONTRACTOR shall contact the DISTRICT with any questions or issues regarding vehicle eligibility requirements. DISTRICT will not reimburse CONTRACTOR for the purchase of any vehicle and fees for services associated with that purchase, if such vehicle fails to meet the following requirements:~~

1. Vehicle Eligibility Requirements

~~— All vehicles scrapped as a part of the Old Car Buy Back program shall meet the VAVR Regulations. In addition, CONTRACTOR shall only purchase and scrap vehicles meeting the following status requirements:~~

~~(A) Participation shall be entirely voluntary for vehicle owners.~~

~~(B) The vehicle must be a 1993 Model Year or older diesel or gasoline powered vehicle up to 10,000 pounds gross vehicle weight.~~

~~(C) The vehicle must be currently registered with the DMV as an operating vehicle and must have been registered for at least twenty four (24) consecutive months prior to the date of the sale to the Old Car Buy Back program to an address, or addresses, within Santa Barbara County. Smog Checks must be performed as required by the DMV in order for the vehicle to be considered registered. Currently, diesel powered vehicles 1998 model year and older and gasoline powered vehicles 1975 model year and older are exempt from Smog Check and are not required to pass a Smog Check test to be eligible.~~

~~(1) A vehicle may also be eligible if the owner of the vehicle placed the vehicle in planned non operational status per Vehicle Code Section 4604, et seq., for up to two (2) months during the twenty four (24) months registration period and occurring at least three (3) months immediately prior to the date of sale to the Old Car Buy Back program.~~

~~(2) A vehicle may also be eligible if the registration has lapsed for a period not to exceed six (6) months during the previous twenty four (24) months and all appropriate registration fees and late penalties have been paid to the DMV, provided that the vehicle is registered for at least three (3) months immediately prior to its sale date to the Old Car Buy Back program.~~

~~(3) If a vehicle owner has sold a vehicle to the Old Car Buy Back program within the previous twelve (12) months, any subsequent vehicles offered to the CONTRACTOR must have been continuously registered to that owner for the previous twenty four (24) month period, in addition to meeting all other requirements of this section.~~

~~(4) Determination of an individual vehicle's registration history shall be based on registration data for that vehicle, obtained from DMV records. If the DMV registration data provide inconclusive results for an individual vehicle, then copies of the applicable vehicle registration certificates may be used.~~

~~(D) The vehicle shall be driven under its own power to the dismantler location to be eligible for retirement.~~

- ~~(E) The vehicle shall not be a high emitter or a gross polluter and must not be operating under a Smog Check repair cost waiver or economic hardship extension.~~
- ~~(F) If a vehicle volunteered for retirement is within sixty (60) days of its next required Smog Check inspection, the vehicle shall pass the inspection without receiving a repair cost waiver or economic hardship extension prior to acceptance by the Old Car Buy Back program. Owners of vehicles requiring Smog Check inspections will be required to submit documentation issued by a licensed Smog Check station demonstrating compliance with this requirement. The documentation must be submitted to the CONTRACTOR performing the functional and equipment eligibility inspection.~~
- ~~(G) If a vehicle volunteered for retirement is within sixty one (61) days to ninety (90) days of its next required Smog Check inspection, the CONTRACTOR shall verify that the vehicle has not failed a Smog Check inspection during this time frame using the following web site:
<http://www.autorepair.ca.gov/pubwebquery/Vehicle/PubTstQry.aspx>~~
- ~~(H) The vehicle must pass functional and equipment eligibility inspections as specified in the VAVR Regulation.~~

2. ~~Vehicle Functional and Equipment Eligibility Inspection~~

~~CONTRACTOR will only scrap vehicles meeting the following requirements. The vehicle function and equipment eligibility inspection must be conducted on-site at CONTRACTOR's facility using DISTRICT approved forms. The following elements shall be included in the inspection:~~

- ~~(A) The vehicle must have been driven to the inspection site under its own power. If CONTRACTOR has knowledge that a vehicle was towed or pushed for any portion of the trip to the inspection site, then CONTRACTOR shall not approve the vehicle for eligibility.~~
- ~~(B) CONTRACTOR must inspect the vehicle to ensure it meets the following requirements and must reject the vehicle if the vehicle fails any one of these requirements:~~
 - ~~(1) All doors must be present and at a minimum the driver's side door shall be operable in a two door vehicle. For a four door vehicle, the driver's side door and one rear door shall be operable. (Doors are considered operable if they can open and close without the use of ropes, wire, tape or other materials that were not part of the original design of the vehicle);~~
 - ~~(2) The trunk lid shall remain closed without the use of ropes, wire, tape or other materials that were not part of the original design of the vehicle;~~
 - ~~(3) The hood shall open and shall remain closed utilizing a functional latching mechanism without the use of bungee cords, straps, ropes, wire, chains, or other materials that were not part of the original design of the vehicle;~~
 - ~~(4) The dashboard shall contain warning lights and gauges (except clock and tachometer) as originally supplied by the manufacturer or functionally equivalent aftermarket replacements;~~
 - ~~(5) Windshield wipers shall be present and operational;~~

- ~~(6) The windshield and rear window shall not contain any holes, or holes that are covered by tape or any other external component that impairs the driver's vision. In addition, the windshield and rear window shall not be held in place by external components that were not part of the original design of the vehicle;~~
- ~~(7) The driver's seat must be present and the seat back shall not be reinforced or supported by add-on components such as blocks, boards, or rope in order to be functional;~~
- ~~(8) Interior pedals (controlling the brake, clutch and accelerator) shall be present;~~
- ~~(9) The vehicle shall contain bumpers, fenders, exhaust system, and side and quarter panels as originally supplied by the manufacturer or aftermarket part equivalent; these components shall not be damaged to the extent that the operability of the vehicle is impaired;~~
- ~~(10) The vehicle shall not contain any holes in the floorboard or any holes penetrating through the body into the passenger compartment, not originally designed by the vehicle manufacturer;~~
- ~~(11) Head lights, tail lights, and brake lights shall be present and operational. (Burned out light bulbs shall not result in a failure of this requirement provided that the operability of the above lightning systems can be verified);~~
- ~~(12) Driver's side and opposing side window shall be present, and not supported by any add-on component that was not part of the original design of the vehicle. Other side windows or functional replacements shall be present;~~
- ~~(13) The requirements of Section 1.(E) and 1.(F) regarding Smog Check have been met;~~
- ~~(14) There should be no obvious indications that the vehicle is not operated on a routine basis for extended periods of time;~~
- (C) ~~CONTRACTOR shall inspect the vehicle to ensure it meets the following requirements and shall reject the vehicle if the vehicle fails any two of these requirements:~~
 - ~~(1) Turn signal lights shall be present and operational. (Burned out light bulbs shall not result in a failure of the requirement provided that the operability of the above lightning system can be verified);~~
 - ~~(2) Driver's side window and opposing side passenger window shall be operational. (Operability shall be determined by the inspector raising and lowering the window handle, crank, or power window switch located inside the vehicle. Inability of windows to be raised and lowered shall result in noncompliance with this requirement);~~
 - ~~(3) Rear view mirror and left hand side view mirror shall be present and operational;~~
 - ~~(4) The vehicle shall contain interior door panels as originally supplied by the vehicle manufacturer or aftermarket equivalent. (Interior door panels shall be attached to the door without the use of any external device or material not designed for the vehicle);~~
 - ~~(5) The vehicle body shall not contain any holes that exceed two inches in length at the widest point;~~
- (D) ~~CONTRACTOR shall complete the following functional inspection, and shall reject the vehicle if the vehicle fails to complete any one of the following requirements. Prior to implementing the functional inspection, the vehicle engine shall be turned off;~~
 - ~~(1) Insert key, vehicle engine shall start using keyed ignition system. (In addition to the keyed ignition switch, ignition or fuel kill switch may be activated if required to start engine);~~

- (2) ~~Vehicle shall idle without the use of accelerator pedal for a minimum of ten seconds;~~
- (3) ~~Transmission shall be shifted into forward gear with brake pedal applied. Vehicle engine shall remain operating without use of accelerator pedal for a minimum of ten seconds. (Vehicles equipped with manual transmissions shall be exempt from this requirement);~~
- (4) ~~The vehicle shall be driven forward and in reverse for a minimum of 25 feet under its own power;~~
- (5) ~~Under its own power, the vehicle shall be driven forward for a minimum of 100 feet starting at 0 miles per hour, and the vehicle shall completely stop at the end of this test using the vehicle's braking system. In dry weather conditions, the vehicle shall travel the first 60 feet of this test within five (5) seconds. (In wet weather conditions, the vehicle shall travel the first 60 feet of this test within eight (8) seconds). After 100 feet have been traveled, the vehicle shall turn around and return to its point of origin;~~
- (E) ~~CONTRACTOR shall reject the vehicle if any of the following occurs during implementation of the functional tests specified in Section 2.(B), Section 2.(C), and Section 2.(D):~~
 - (1) ~~Engine shuts down subsequent to keyed ignition start;~~
 - (2) ~~Emissions of whining, grinding, clanking, squealing, or knocking noises, or noises from engine backfire;~~
 - (3) ~~The brake pedal drops to the floor when the inspector attempts to stop the vehicle;~~
- (F) ~~Upon satisfactory completion of the inspection, CONTRACTOR will issue a DISTRICT approved certificate of functional and equipment eligibility. The certificate of eligibility issued to the vehicle owner will be valid for thirty (30) days. After thirty (30) days, the certificate of eligibility will expire and the vehicle owner will have to re-qualify to participate in the Old Car Buy Back program.~~
- (G) ~~Vehicles failing the requirements pursuant to Section 2.(A), Section 2.(D), and Section 2.(E), may be retested by CONTRACTOR for compliance with these requirements and issued a certificate of functional and equipment eligibility provided the vehicle has traveled a minimum of 50 miles subsequent to the failure determination. Vehicles with inoperable vehicle odometers must have the odometer fixed prior to conducting this test. Vehicles failing the requirements of Section 2.(B) and Section 2.(C) may be retested by CONTRACTOR for compliance with these requirements and issued a certificate of functional and equipment eligibility at any time after modifications have been made to the vehicle.~~

3. ~~Vehicle Buy Back Program Contractor Requirements~~

- (A) ~~CONTRACTOR must be an auto dismantler, licensed according to the requirements of the California Vehicle Code, other business codes and the regulations of the DMV, for the purpose of vehicle disposal after purchase. CONTRACTOR must have a permanent dismantling facility located in Santa Barbara County and all vehicle disposal activities conducted pursuant to this Contract must be performed at that facility.~~
- (B) ~~At least thirty (30) days prior to commencing operations as an Enterprise Operator for the Old Car Buy Back Program, CONTRACTOR shall provide DISTRICT, in writing using DISTRICT approved forms, information demonstrating the ability to comply~~

with all provisions of the VAVR Regulations. This information must include CONTRACTOR's name and business address; a written statement from CONTRACTOR under penalty of perjury certifying compliance with local water conservation regulations, state, county, and city energy and hazardous materials response regulations, and local water agency soil, surface, and ground water contamination regulations; and any other information requested in applicable DISTRICT rules.

- (C) For a vehicle purchased as part of the Old Car Buy Back program, the CONTRACTOR shall verify that the vehicle meets the vehicle registration eligibility and functional and equipment eligibility requirements.
- (D) At time of final sale of a vehicle to the Old Car Buy Back program, CONTRACTOR must verify that the person delivering the vehicle for sale is the legal owner or an authorized representative of the legal owner, properly empowered to complete the sale.
- (E) A vehicle purchased as part of the Old Car Buy Back program, must be permanently destroyed by CONTRACTOR within ninety (90) days of the date it is sold to CONTRACTOR, and may not be resold to the public or put into operation in any way, except such a vehicle may be briefly operated for purposes related to the disposal of the vehicle as part of the normal disposal procedures.
 - (1) The vehicle will be considered destroyed when it has been crushed or shredded or otherwise rendered permanently and irreversibly incapable of functioning as originally intended, and when all appropriate records maintained by the DMV have been updated to reflect that the vehicle has been acquired by CONTRACTOR for the purposes of dismantling.
 - (2) No parts may be removed, for sale or reuse, from any vehicle retired for the purpose of generating emission reduction credits. The only allowable use for any retired vehicle is as a source of scrap metal and other scrap material:
 - a) The CONTRACTOR may separate ferrous and non-ferrous metals prior to vehicle retirement to sell as a source of scrap metal only;
 - b) The CONTRACTOR may sell tires and batteries to an intermediary tire/battery recycler only. All facilities generating or receiving waste tires must use the service of a registered tire hauler/recycler. Battery recyclers must be registered and licensed to handle batteries.
 - (3) All vehicles must be confined in a holding area separate from other vehicles procured by the CONTRACTOR until they are permanently destroyed.
 - (4) All activities associated with retiring vehicles, including but not limited to the disposal of vehicle fluids and vehicle components, must comply with all applicable federal, state and local regulations including but not limited to local water conservation regulations, state, county, and city energy and hazardous materials response regulations, and local water agency soil, surface, and ground water contamination regulations.
- (F) The CONTRACTOR shall provide to the DISTRICT a list of all vehicles accepted for participation into the Old Car Buy Back program that are within sixty one (61) days to ninety (90) days of their next required Smog Check inspection. (Refer to Attachment D, Section 1.(B)(8)).

4. Offering Vehicles to the Public

- ~~(A) The CONTRACTOR must inform the DISTRICT of any vehicles that are offered for sale into the Old Car Buy Back program and ready for dismantling. The CONTRACTOR must provide daily descriptions of the vehicles as required in Attachment D—Contract Reports.~~
- ~~(B) After the vehicle is offered for sale into the Old Car Buy Back program, the CONTRACTOR must wait a minimum of ten (10) days before submitting a Report of Vehicle to be Dismantled and Notice of Acquisition (REG 42) to the DMV.~~
- ~~(C) If an interested person from the public contacts the CONTRACTOR regarding purchasing a vehicle, then the CONTRACTOR must hold the vehicle for at least another seven (7) days. During this extended seven (7) day waiting period, the CONTRACTOR shall arrange for the interested person to examine the vehicle, and if appropriate, negotiate the sale of the vehicle.~~

5. Parts Recycling

~~The Old Car Buy Back program does not allow any vehicle parts to be recycled. The entire vehicle must be permanently scrapped and permanently removed from service.~~

6. Records, Auditing and Enforcement

~~The following requirements for records, auditing, and enforcement shall be met:~~

- ~~(A) CONTRACTOR shall be responsible for maintaining and storing the following information for each vehicle removed from operation for the Old Car Buy Back program:~~
 - ~~(1) Vehicle Identification Number (VIN);~~
 - ~~(2) Vehicle license plate number;~~
 - ~~(3) Vehicle model year;~~
 - ~~(4) Vehicle odometer reading;~~
 - ~~(5) Vehicle make and model;~~
 - ~~(6) Name, address and phone number of legal owner selling vehicle to the CONTRACTOR;~~
 - ~~(7) Name, address and phone number of registered owner if different from Section 6.(A)(6);~~
 - ~~(8) Date of purchase of vehicle by CONTRACTOR;~~
 - ~~(9) Date of vehicle retirement;~~
 - ~~(10) Reproduction of California Certificate of Title and registration, as signed off by seller at time of final sale to the Old Car Buy Back program;~~
 - ~~(11) Reproduction of the applicable certificate of functional and equipment eligibility;~~
 - ~~(12) Reproduction of the applicable Report of Vehicle to be Dismantled and Notice of Acquisition (DMV REG 42 form);~~
 - ~~(13) Reproduction of written documentation from the DMV verifying that a vehicle meets the requirements of Section 1.(C);~~
 - ~~(14) If applicable, reproduction of documentation issued pursuant to Section 1.(F);~~
 - ~~(15) Any other pertinent data requested by DISTRICT (e.g. Old Car Buy Back program survey)~~
- ~~(B) Upon request of DISTRICT, the data contained in records required in Section 6.(A)(1) through Section 6.(A)(15) shall be transmitted to DISTRICT in a DISTRICT approved electronic database format, in lieu of paper copies.~~

- ~~(C) CONTRACTOR shall maintain copies of the information listed in Section 6.(A)(1) through Section 6.(A)(15) for a minimum period of three (3) years, and shall make those records available to DISTRICT upon request.~~
- ~~(D) DISTRICT may conduct announced and unannounced audits and on-site inspections of the CONTRACTOR's operations to ensure operations are being conducted according to all applicable rules and regulations. DISTRICT shall notify any noncompliant CONTRACTOR of the nature of the violation and shall initiate any enforcement or remedial action necessary.~~
- ~~(1) CONTRACTOR and its subcontractors shall allow DISTRICT to conduct announced and unannounced audits and inspections and shall cooperate fully in such situations.~~
- ~~(E) CONTRACTOR will handle all DMV paperwork associated with the purchase, dismantling, and scrapping of vehicles.~~
- ~~(F) At the time of final sale of the vehicle to the Old Car Buy Back Program, CONTRACTOR will ensure payment is made to vehicle owner and all of the requirements are met including Section 3.(D).~~

ATTACHMENT B
PROGRAM REQUIREMENTS

CONTRACTOR will purchase and scrap eligible vehicles in compliance with the following requirements and procedures and in compliance with the California Air Resources Board (CARB) Voluntary Accelerated Vehicle Retirement regulations, California Code of Regulations, Title 13, Sections 2601, et. seq., (the "VAVR Regulations"). The CONTRACTOR shall contact the DISTRICT with any questions or issues regarding vehicle eligibility requirements. DISTRICT will not reimburse CONTRACTOR for the purchase of any vehicle and fees for services associated with that purchase, if such vehicle fails to meet the following requirements:

1. Vehicle Eligibility Requirements (Section 2603)

All vehicles scrapped as a part of the Old Car Buy Back program shall meet the VAVR Regulations. In addition, CONTRACTOR shall only purchase and scrap vehicles meeting the following status requirements:

- (A) Participation shall be entirely voluntary for vehicle owners;
- (B) The vehicle must be currently registered with the Department of Motor Vehicles (DMV) as an operable vehicle and must have been registered for at least twenty-four (24) months prior to the date of the sale to the Old Car Buy Back program to an address, or addresses, within Santa Barbara County;
 - (1) Smog Checks must have been performed as required by the DMV in order for the vehicle to be considered registered. Currently, diesel-powered vehicles 1998 model year and older and gasoline-powered vehicles 1975 model year and older are exempt from Smog Check and are not required to pass a Smog Check test to be eligible;
 - (2) A vehicle may also be eligible if the owner of the vehicle placed the vehicle in planned non-operational status per Vehicle Code Section 4604, et seq., for a total of two (2) or fewer months during the continuous twenty-four (24) months registration period and occurring at least three (3) months prior to the date of sale to the Old Car Buy Back program;
 - (3) A vehicle may also be eligible if the registration has lapsed for less than 181 days during the previous twenty-four (24) months, pursuant to Health and Safety Code 44094, and all appropriate registration fees and late penalties have been paid to the DMV, provided that the vehicle is registered for at least ninety (90) days immediately prior to its sale date to the Old Car Buy Back program; and
 - (4) Determination of an individual vehicle's registration history shall be based on registration data for that vehicle obtained from DMV records. If the DMV registration data provide inconclusive results for an individual vehicle, then copies of the applicable vehicle registration certificates may be used;
- (C) The vehicle shall not be operating under a Smog Check repair cost waiver or economic hardship extension;
- (D) If a vehicle volunteered for retirement is within sixty (60) days of its next required Smog Check inspection, the vehicle shall pass the inspection without receiving a repair cost waiver or economic hardship extension prior to acceptance by the Old Car Buy Back program. Owners of vehicles requiring Smog Check inspections will be

- required to submit documentation issued by a Bureau of Automotive Repair licensed Smog Check technician demonstrating compliance with this requirement. The documentation must be submitted to the CONTRACTOR performing the functional and equipment eligibility inspection; and
- (E) Vehicles that have a tampered emissions control system (missing, modified, or disconnected components) shall not be eligible for acceptance in the Old Car Buy Back Program.
 - (F) If a vehicle volunteered for retirement is within sixty-one (61) days to ninety (90) days of its next required Smog Check inspection, the CONTRACTOR shall verify that the vehicle has not failed a Smog Check inspection during this time frame using the following web site:
<http://www.autorepair.ca.gov/pubwebquery/Vehicle/PubTstQry.aspx>
 - (G) The vehicle must pass functional and equipment eligibility inspections as specified in the VAVR Regulation.

2. Vehicle Functional and Equipment Eligibility Inspection

CONTRACTOR will only purchase and scrap vehicles meeting the following requirements. The vehicle function and equipment eligibility inspection must be conducted on-site at CONTRACTOR's facility using DISTRICT approved forms. The following elements shall be included in the inspection:

- (A) The vehicle must have been driven to the inspection site under its own power. If CONTRACTOR has knowledge that a vehicle was towed or pushed for any portion of the trip to the inspection site, then CONTRACTOR shall not approve the vehicle for eligibility into the Old Car Buy Back program;
- (B) CONTRACTOR must inspect the vehicle to ensure it meets the following equipment eligibility requirements and must reject the vehicle if the vehicle fails **any one** of these requirements:
 - (1) All doors must be present and in place;
 - (2) The hood shall be present and in place;
 - (3) The dashboard shall be in place;
 - (4) Windshield shall be present and in place;
 - (5) Interior pedals shall be operational;
 - (6) One bumper and all side and/or quarter panels shall be present and in place;
 - (7) Vehicle drive-ability must not be affected by any steering, suspension or body damage;
 - (8) Exhaust system shall be present and in place;
 - (9) One headlight, one taillight, and one brake light shall be present and in place;
 - (10) One side window glass shall be present and in place;
- (C) CONTRACTOR shall complete the following functional eligibility inspection, and shall reject the vehicle if the vehicle fails to complete the following test:
 - (1) Insert key, vehicle engine shall start using keyed ignition system;
 - (2) The vehicle must start readily through ordinary means without the use of starting fluids or external booster batteries;

- (3) The vehicle shall be driven both forward and in reverse for a minimum of 25 feet under its own power;
- (D) Upon satisfactory completion of the inspection, CONTRACTOR will issue a DISTRICT approved certificate of functional and equipment eligibility form.
- (E) Vehicles failing the requirements pursuant to Section 2, may be retested by CONTRACTOR for compliance with these requirements and issued a certificate of functional and equipment eligibility provided the vehicle has traveled a minimum of 50 miles subsequent to the failure determination. Vehicles with inoperable vehicle odometers must have the odometer fixed prior to conducting this test.

3. Vehicle Old Car Buy Back Program Contractor Requirements

- (A) CONTRACTOR must be an auto dismantler, licensed according to the requirements of the California Vehicle Code, other business codes and the regulations of the DMV, for the purpose of vehicle disposal after purchase. CONTRACTOR must have a permanent dismantling facility located in Santa Barbara County and all vehicle disposal activities conducted pursuant to this Contract must be performed at that facility.
- (B) At least thirty (30) days prior to commencing operations as an Enterprise Operator for the Old Car Buy Back Program, CONTRACTOR shall provide DISTRICT, in writing using DISTRICT approved forms, information demonstrating the ability to comply with all provisions of the VAVR Regulations. This information must include CONTRACTOR's name and business address; a written statement from CONTRACTOR under penalty of perjury certifying compliance with local water conservation regulations, state, county, and city energy and hazardous materials response regulations, and local water agency soil, surface, and ground water contamination regulations; and any other information requested in applicable DISTRICT rules.
- (C) For a vehicle purchased as part of the Old Car Buy Back program, the CONTRACTOR shall verify that the vehicle meets the vehicle registration eligibility and functional and equipment eligibility requirements.
- (D) At time of final sale of a vehicle to the Old Car Buy Back program, CONTRACTOR must verify that the person delivering the vehicle for sale is the legal owner or an authorized representative of the legal owner, properly empowered to complete the sale.
- (E) The CONTRACTOR shall provide to the DISTRICT a list of all vehicles accepted for participation into the Old Car Buy Back program that are within sixty-one (61) days to ninety (90) days of their next required Smog Check inspection. (Refer to ATTACHMENT D, Section 1 (B)(8)).
- (F) Violation of any provision of these regulations by CONTRACTOR, including falsification of any information or data, shall constitute a citable violation making the violator subject to all applicable penalties specified in California Health and Safety Code.

4. Offering Vehicles to the Public

- (A) The CONTRACTOR must inform the DISTRICT of any vehicles that are offered for sale into the Old Car Buy Back program and ready for dismantling. The CONTRACTOR must provide daily descriptions of the vehicles as required in ATTACHMENT D – Contract Reports.
- (B) After the vehicle is offered for sale into the Old Car Buy Back program, the CONTRACTOR must wait a minimum of ten (10) days before submitting a Report of Vehicle to be Dismantled and Notice of Acquisition (REG-42) to the DMV.
- (C) During the ten (10) day waiting period, if an interested person from the public contacts the CONTRACTOR regarding purchasing a vehicle, then the CONTRACTOR must hold the vehicle for at least another seven (7) days. During this extended seven (7) day waiting period, the CONTRACTOR shall arrange for the interested person to examine the vehicle, and if appropriate, negotiate the sale of the vehicle. The CONTRACTOR is not obligated to hold the vehicle for an interested party that has missed two or more prior appointments to examine any vehicle, or sell the vehicle if a mutually acceptable price cannot be negotiated.

5. Parts Recycling

- (A) A vehicle purchased as part of the Old Car Buy Back program, must be permanently destroyed by CONTRACTOR within ninety (90) days of the date it is sold to CONTRACTOR, and may not be resold to the public or put into operation in any way, except such a vehicle may be briefly operated for purposes related to the disposal of the vehicle as part of the normal disposal procedures.
 - (1) The vehicle will be considered destroyed when it has been punched, crushed, shredded or otherwise rendered permanently and irreversibly incapable of functioning as originally intended, and when all appropriate records maintained by the DMV have been updated to reflect that the vehicle has been acquired by CONTRACTOR for the purposes of dismantling.
 - (2) No parts may be removed, for sale or reuse, from any dismantled retired vehicle. The only allowable use for any retired vehicle is as a source of scrap metal and other scrap material:
 - a) The CONTRACTOR may separate ferrous and non-ferrous metals from a dismantled retired vehicle prior as a source of scrap metal only;
 - b) The CONTRACTOR may sell tires and batteries to an intermediary tire/battery recycler only. All facilities generating or receiving waste tires must use the service of a registered tire hauler/recycler. Battery recyclers must be registered and licensed to handle batteries.
 - (3) All activities associated with retiring vehicles, including but not limited to the disposal of vehicle fluids and vehicle components, must comply with all applicable federal, state and local regulations including but not limited to local water conservation regulations, state, county, and city energy and hazardous materials response regulations, and local water agency soil, surface, and ground water contamination regulations.

6. Records, Auditing and Enforcement

The following requirements for records, auditing, and enforcement shall be met:

- (A) CONTRACTOR shall be responsible for maintaining and storing the following information for each vehicle removed from operation for the Old Car Buy Back program:
 - (1) Vehicle Identification Number (VIN);
 - (2) Vehicle license plate number;
 - (3) Vehicle model year;
 - (4) Vehicle odometer reading;
 - (5) Vehicle make and model;
 - (6) Name, address, phone number, and email address of legal owner selling vehicle to the CONTRACTOR;
 - (7) Name, address, phone number, and email address of registered owner if different from Section 6.(A)(6);
 - (8) Date of purchase of vehicle by CONTRACTOR;
 - (9) Date of vehicle retirement;
 - (10) Reproduction of California Certificate of Title and registration, as signed-off by seller at time of final sale to the Old Car Buy Back program;
 - (11) Reproduction of the applicable certificate of functional and equipment eligibility;
 - (12) Reproduction of the applicable Report of Vehicle to be Dismantled and Notice of Acquisition (DMV REG-42 form);
 - (13) Reproduction of written documentation from the DMV verifying that a vehicle meets the requirements of Section 1.(C);
 - (14) If applicable, reproduction of documentation issued pursuant to Section 1.(F);
 - (15) Any other pertinent data requested by DISTRICT (e.g. Old Car Buy Back program survey)
- (B) Upon request of DISTRICT, the data contained in records required in Section 6.(A)(1) through Section 6.(A)(15) shall be transmitted to DISTRICT in a DISTRICT approved electronic format, in lieu of paper copies.
- (C) CONTRACTOR shall maintain copies of the information listed in Section 6.(A)(1) through Section 6.(A)(15) for a minimum period of three (3) years, and shall make those records available to DISTRICT upon request.
- (D) DISTRICT may conduct announced and unannounced audits and on-site inspections of the CONTRACTOR's operations to ensure operations are being conducted according to all applicable rules and regulations. DISTRICT shall report the results of any such audits and inspections to the Executive Officer. DISTRICT shall notify any noncompliant CONTRACTOR of the nature of the violation and shall initiate any enforcement or remedial action necessary.
 - (1) CONTRACTOR and its subcontractors shall allow DISTRICT to conduct announced and unannounced audits and inspections and shall cooperate fully.