

**April 2006**

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
INTEGRATED WASTE MANAGEMENT BOARD**

**TIRE-DERIVED PRODUCT BUSINESS ASSISTANCE  
PROGRAM**

**APPENDICES**

**FISCAL YEARS 2005/2006 and 2006/2007**



The Appendix accompanies the application, which contains program information, processes, examples, criteria, and definitions.

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**For More Information Contact:**

Waste Tire Grant Programs [tiregrants@ciwmb.ca.gov](mailto:tiregrants@ciwmb.ca.gov) or (916) 341-6441

## **Appendix A PROGRAM INFORMATION**

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### **The Tire-Derived Product Business Assistance Program**

The California Integrated Waste Management Board (CIWMB) receives an annual appropriation from the California Tire Recycling Management Fund (Tire Fund) to administer the Tire Recycling Act (Act) (Senate Bill 937, Vuich, Statutes of 1990, Chapter 35) and related legislation. As part of the Act, the CIWMB is offering the Tire-Derived Product Business Assistance Program (Program)

The Program seeks to improve the operational and cost efficiencies of tire-derived product (TDP) businesses by providing technical and consultative assistance and, where necessary, reimbursement for specifically identified and approved equipment. The CIWMB anticipates that 67 percent to 75 percent of the available monies will be provided through Contractor-provided assistance, rather than reimbursement to Grantees for equipment. The Program also seeks to expand market demand by emphasizing the development of new TDP products from existing businesses and/or the production of an existing product with recycled California tire rubber rather than virgin material.

Eligible businesses may receive assistance grants of up to \$175,000 in the form of assistance that may include, but is not limited to:

- General Business Assistance (business plan development or modification, human resource issues, inventory management/control [including just-in-time inventory systems], asset management, appropriate business structure, appropriate or optimal financial structure, accounting systems and controls, website development or modification, ISO 9000 2000 Standards, etc.).
- Technical Assistance (efficient plant design, manufacturing process improvement or optimization, optimizing specific equipment performance, increasing the amount/percentage of recycled material, converting to recycled material from virgin material, etc.).
- Marketing Assistance (marketing plan development or modification, product pricing, product promotion, product packaging, distribution systems, cooperative marketing, ad placement, trade shows, internet marketing, etc.).
- Product Testing and Certification (testing products to satisfy the marketplace requirements of the public and private sectors).
- Equipment (specifically identified equipment recommended by the Contractor-led Assistance Team and approved by the CIWMB).

### **Eligible Applicants**

Eligible applicants are for-profit California-based TDP businesses and those for-profit TDP businesses domiciled in other states but with an existing or demonstrated commitment to an operational presence in California. Eligible applicants must produce in California, or demonstrate commitment to produce, products made from recycled 100 percent California-generated waste tires.

Eligible subsidiary and/or affiliated businesses that apply for an assistance grant will receive an initial assessment (limited to two entities per 12 month period), and are limited to a maximum combined assistance of \$175,000 per 12 month period for all related entities. A business is considered an “affiliated business” if it has at least one owner with a 20 percent or greater interest in another applicant business.

### **Ineligible Applicants/Activities include, but are not limited to:**

- Businesses that perform waste tire incineration, pyrolysis, gasification, and/or liquefaction.
- Waste tire collectors and/or haulers: also the tire collection and/or hauling portion of other businesses.
- Businesses, or that portion of business' operation, that shred or chip tires for use as Alternative Daily Cover (ADC) or Tire-Derived Fuel (TDF).
- Entities that perform only research and testing and are not in business to produce and/or sell products.
- Wholesalers and/or distributors.
- De novo businesses (from concept stage to less than six months of actual operation/sales).\*
- Micro businesses (businesses that produced and/or sold less than 5,000 Passenger Tire Equivalent (PTE) in 2005).\*

\* Unless the business has received a Tire Product Commercialization and Applied Technologies grant or a Recycling Market Development Zone loan within the last three years. These businesses will be directed to appropriate technical resources, such as: US Small Business Development Centers, local Economic Development Corporations, Inventor Alliances, and other similar providers of valuable training and resources to entrepreneurs.

### **Available Funds**

- Up to \$175,000 per eligible applicant.
- \$1,800,000 for Fiscal Year (FY) 2005/2006 and an anticipated additional \$2,050,000 for FY 2006/2007 (subject to passage of the 2006/2007 California State Budget Act).
- A maximum of 30 percent of available funds will be reserved for businesses in the startup, small, custom manufacturer, and non-production categories.

**The CIWMB reserves the right to not fund any particular project or any part of a project, or not to award any grants.**

If requests exceed available monies, applicant businesses will be ranked by the number of PTE diverted in 2005 or, in the case of expanding or feedstock conversion projects, the Contractor's, Business Representative's and the CIWMB Program Manager's consensus estimate of annual PTE to be diverted upon project completion. Requests will be approved in descending order (starting with the greatest number of tires diverted), subject to the 30 percent maximum allocation for businesses in the startup, small, custom manufacturer, and non-production categories.

Assistance grants will be primarily in the form of technical and consultative assistance rather than cost reimbursement. Consult your attorney or tax advisor regarding any tax consequences associated with accepting the assistance grant.

### **Funding Award Level**

The maximum award amount (see chart below) is determined by the business category and PTEs diverted in the previous calendar year or the consensus estimate as described above. The CIWMB requires the business to provide supporting documentation (described in Appendix A - PTE Diversion) for the number of PTEs diverted.

A maximum of 30 percent of the annual Program funding, subject to a maximum assistance grant of \$50,000 per business, will be available for businesses in the startup, small, custom manufacturer, and non-production categories.

<b>Business Category</b>	<b>Business Life</b>	<b>PTE in 2005</b>	<b>Award Based on \$x per PTE</b>	<b>Maximum Award</b>
Start up	Between 6 months and 3 years	At least 5,000	\$1.50	\$50,000
Small	3 years or more	Less than 250,000*	\$1.50	\$50,000
Custom Manufacturer <sup>1</sup>	3 years or more	At least 5,000	\$.75	\$50,000
Non-production <sup>2</sup>	3 years or more	At least 5,000	\$.75	\$50,000
Existing	3 years or more	Equal to or more than 250,000*	\$.50	\$175,000
Expanding <sup>3</sup>	3 years or more	At least 5,000	\$5.00	\$175,000
Conversion <sup>4</sup>	3 years or more	At least 5,000	\$5.00	\$175,000

\* 250,000 PTE for molded, extruded or other products; 500,000 PTE crumb rubber (less than ¼ inch) or coarse rubber (¼ inch to 1 inch for markets other than TDF or Civil Engineering production; or 1,000,000 PTE for civil engineering applications.

1. Custom manufacturer (manufacturers products for other businesses)
2. Non-production businesses (contracts out for production but markets and sells its product).
3. Expanding businesses using recycled California rubber (a. An existing manufacturer that wants to develop/introduce a new TDP, or b. In a related business but expanding into producing tire-derived products. Examples include the vertical expansion of a tire collector or a shredder/processor into producing a final product such as mulch, mats, tire-derived aggregate, etc.)
4. Conversion to recycled rubber (currently manufacturing a product with virgin material and intends to convert to using recycled California rubber).

In the case of expanding businesses or feedstock conversion projects, the PTE figure will be the Contractor's, CIWMB Program Manager's, and business representative's consensus estimate of annual PTE to be diverted upon project completion.

An exception will be allowed for those businesses that have either received a Tire Product Commercialization and Applied Technologies grant or a Recycling Market Development Zone loan within the last three years and are still in the de novo or micro business category, notwithstanding other restrictions. Those businesses will participate in the General Business Needs Assessment (GBNA) where the Contractor, CIWMB Program Manager, and business representative will determine their assistance needs, subject to the maximum award for a small business of \$50,000.

There is no match requirement. However, it is expected that Program monies supplement, not supplant, existing business efforts.

## **Process**

### **Application Timing**

There will be one application period early in 2006 for the 2005/2006 and 2006/2007 fiscal year funding. After that initial application period, the Program anticipates processing applications on a quarterly basis starting in September 2006 with available funding awarded on a first-come first-

served basis for eligible businesses. The amount of the assistance grants awarded to eligible businesses will be based on available funding, historical tire diversion, business category, and other factors approved by the CIWMB. Businesses may only be awarded an assistance grant once each 12 months.

#### Complete Application and Evaluation

After the CIWMB receives an Application, it will be evaluated for completeness (see Appendix B - Application Checklist and Submittal). Applications that do not contain the required information shall be considered incomplete and will be disqualified. Complete Applications will be reviewed to determine whether the applicant business is eligible, meets the threshold criteria approved by the Board, confirm the business category and make a preliminary determination of the maximum funding available (see Appendix A – Funding Award Levels).

#### Assessment

Staff from the Waste Tire Management Branch and the Recycling Market Development Zone Program will review and analyze the information, visit the business location, and meet with the owner/management. Appropriate members of the Contractor-led Assessment Team (Assessment Team) will visit business locations and meet with the applicant's management as appropriate and in the most efficient and effective manner to minimize costs.

Appropriate information will be shared with specific Assistance Team members on a need-to-know basis and, if agreed to by the business' representative, a volunteer industry expert. These participants (business representative, CIWMB staff, and Assessment Team) will evaluate the business' situation and market opportunities and identify (and prioritize) assistance and/or equipment that may benefit the business. The Contractor will prepare a GBNA detailing the identified and recommended assistance and any equipment needs with associated cost estimates. It is anticipated that assistance from the Assistance Team, as opposed to equipment, will comprise the majority of items identified in the GBNA.

Every eligible business will receive a GBNA. The cost for the GBNA will be paid from the Contractor contract and will not affect the amount of services provided. For example, if a business qualifies for \$175,000 of assistance, they will receive \$175,000 of assistance and the amount will not be reduced for the cost of the GBNA. The GBNA will identify several items that would benefit the business. Some of the items will have a greater potential benefit than others and some may generate additional cash flow that could enable the business to address some of the identified items on their own or expand on what was originally contemplated.

#### Assistance

Assistance will be provided to businesses in a manner and timing consistent with the needs of the both the business and the Assistance Team in the most efficient and effective manner to minimize costs. After considering recommendations from the business and Contractor, the CIWMB Program Manager will have final authority to determine what assistance will be authorized and any equipment to be purchased.

The Contractor will provide the assistance within approximately 18 months from the CIWMB's approval of the business' award. The CIWMB Program Manager reserves the right to have the Contractor provide priority service to a specific business if there is an urgent business need.

After receiving the CIWMB Program Manager's approval, identified equipment will be purchased by the business or Contractor, depending on the GBNA and individual circumstances, at the earliest opportunity consistent with business needs and assistance being provided. Equipment funding is

subject to Grantee execution of: a Grant Agreement, Security Agreement and a Uniform Commercial Code filing document. Funding for equipment will be on a reimbursement basis with limitations on liquidation and subject to a 10 percent (10%) retention. The retention may be released after the CIWMB Program Manager reviews and approves the final payment request and specified annual reporting information and the Grantee has fulfilled all requirements of the Grant Agreement.

**PTE Diversion**

The Application requires businesses to provide supporting documentation for the number of PTEs diverted in 2005. Such documentation may consist of a letter, statement or account summary signed by management of the California-based material supplier certifying and describing the type and number of pounds of material shipped to the applicant in 2005 and that the material is derived from 100 percent California-generated waste tires. Documentation of material consisting of California-generated waste tires, chips, shreds or other applicable material shipped to a business may come from haulers, suppliers, waste disposal locations and/or the California Used/Waste Tire Manifest Program. If a supplier’s material is not derived from 100 percent California-generated waste tires, the supplier must indicate the appropriate percentage that is derived from California-generated waste tires.

All information provided is subject to verification/confirmation by the CIWMB. If the number of PTEs is overstated by more than 15 percent, it will be deemed a substantial and material overstatement and will result in disqualification of the application.

**Reporting**

In order to evaluate the effectiveness of the Program, the Assistance Grant Agreement requires businesses to provide annual information on PTE and specific financial information to the CIWMB for five years after the assistance grant term ends. Company information will be collected by Tire Program staff, aggregated, and released in a manner so as not to reveal confidential business information.

**TIRE-DERIVED PRODUCT BUSINESS ASSISTANCE PROGRAM MILESTONES**

**Table: Tentative Timeline FYs 2005-2006 and 2006/2007**

<b>DATE</b>	<b>ACTIVITY</b>
January 17, 2006	Board adopts process and evaluation criteria.
February 14, 2006	Board approves Contractor to provide technical and consultative services for the Program.
April 2006	Staff mails Notice of Funds Available and posts it on CIWMB’s website.
April 2006	Applications mailed and posted on CIWMB’s website.
April 25 – May 9, 2006	Question and Answer Period.
Ongoing with final update by May 11, 2006	Question and Answer Posting.
May 30, 2006 (3:00 p.m.)	Applications must be postmarked by this date or hand-delivered applications received by this time as specified in the application.
July 18, 2006	Board considers funding recommendations.
July 2006	Assistance Grant Agreements mailed for signature.
July 2006 – December 31, 2007	Assistance Grant term.
Quarterly recommendations to the Board starting Sept. 2006	Application periods with funding subject to available monies on a first-come first-served basis

## **Other Requirements**

All grantees are required to comply with various provisions contained in the Assistance Grant Agreement, which must be fully executed prior to receiving assistance.

## Appendix B

### APPLICATION CHECKLIST AND SUBMITTAL

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#### **Application Checklist**

(Submit all attachments in the following order to the back of the completed Application Cover Page)

#### Public Information:

- \_\_\_ Application Cover Page
- \_\_\_ Applicant Declarations & Certifications
- \_\_\_ General Checklist of Business Permits, Licenses, and Filings Form (CWIMB 669)  
<http://www.ciwmb.ca.gov/Grants/Forms/CIWMB669.doc>
- \_\_\_ Articles of Incorporation, By-Laws, Partnership Agreements, etc.
- \_\_\_ Business License and Fictitious Name Statement (if applicable)
- \_\_\_ Sample sales brochures and other marketing materials

#### Confidential/Proprietary Information (Submit together in a separate sealed envelope):

**Clearly mark the sealed envelope “BUSINESS ASSISTANCE PROGRAM APPLICATION – CONFIDENTIAL/PROPRIETARY INFORMATION SUBMITTAL – AUTHORIZED PERSONNEL ONLY”**

**Clearly mark each page containing confidential or proprietary information as “Confidential and Proprietary Information.”**

- \_\_\_ Business Financial Information (annual financial statements and first two pages of tax returns and expense detail sheet or Schedule C for a Sole Proprietorship) for the past three years
- \_\_\_ Business Plan (if available, even if it is out of date)
- \_\_\_ Marketing Plan (if available, even if it is out of date)
- \_\_\_ Business Description (see Appendix C)
- \_\_\_ Documentation for PTE diversion in 2005 (see Appendix A – PTE Diversion)
- \_\_\_ Lease/Purchase Agreement for project site (if applicable)

**Note:** Documents submitted with this application that are clearly marked "trade secret" or "confidential/proprietary information" will be handled by the CIWMB pursuant to the procedures set forth in Title 14 of the California Code of Regulations(14 CCR) sections 17041-17046. (See Appendix E) The mere marking of documents (such as sales brochures, promotional literature and other general non-financial documents) as "confidential/proprietary information" will not result in their being treated as confidential if they do not fall within the categories of protected financial documents listed in 14 CCR section 17046. The CIWMB and all documents submitted to it are subject to the California Public Records Act (Govt. Code sections 6250, et seq.).

Upon completion of the application package, submit a signed original to the California Integrated Waste Management Board (CIWMB) at the address set for the below. The original must be printed double-sided on recycled-content paper containing one hundred percent (100%) post-consumer (PC) fiber. Specific pages containing full color photographs or other ink-intensive graphics may be printed on photographic paper, and the pages should be fastened in the upper left-hand corner. Please do not bind. Missing information received after the deadline stated below, unless otherwise specified, will not be accepted. (See Appendix C) Review your application and exhibits for completeness. Substantially incomplete packages will be disqualified.

Include with the Application a copy of the label from the paper package(s) used to print and/or copy the application and any attachments, indicating that it was printed and/or copied on paper containing 100% recycled content.

**Application Submittal Deadline**

Applications must be postmarked by **Tuesday, May 30, 2006**. Hand delivered applications will also be accepted at Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, CA until 3:00 p.m. on **Tuesday, May 30, 2006**. Faxed or e-mailed applications will not be accepted. Late applications will be returned and will not be considered for grant assistance.

**Applications mailed or sent by U.S. Postal Service or a commercial delivery service should be sent by a means that allows for tracking by the sender and that provides an addressed and dated receipt. Failure to do so is at the risk of the applicant, and if delivery is delayed or the application is lost by the Post Office or delivery service, the burden is on the applicant to demonstrate timely mailing or delivery of the application.**

Applications that are hand-delivered:

California Integrated Waste Management Board  
Tire-Derived Product Business Assistance Program (BAP)  
Financial Assistance Branch, Grants Administration Unit, MS-10  
1001 "I" Street  
Sacramento, CA 95814

Applications delivered by U.S. Postal Service:

California Integrated Waste Management Board  
Tire-Derived Product Business Assistance Program (BAP)  
Financial Assistance Branch, Grants Administration Unit, MS-10  
P.O. Box 4025  
Sacramento, CA 95812-4025

Applications delivered by commercial carrier:

California Integrated Waste Management Board  
Tire-Derived Product Business Assistance Program (BAP)  
Financial Assistance Branch, Grants Administration Unit, 19<sup>th</sup> Floor, MS-10  
1001 "I" Street  
Sacramento, CA 95814

## Appendix C BUSINESS DESCRIPTION

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**Clearly mark each page of the *Business Description* attachment as “Confidential and Proprietary Information.”**

Describe the business (and expansion or feedstock conversion project, if appropriate) in sufficient detail to enable the Assistance Team to evaluate the business and recommend/provide appropriate services. Use the information below as a guide, but feel free to add other relevant information about the business. This *Business Description* is especially important if the business does not have an up-to-date comprehensive business and/or marketing plan. It is essential that the *Business Description* be thoughtfully prepared by key management within the business.

The CIWMB and Assistance Team recognize that describing the business in detail requires an investment in time and effort. We also recognize that you must balance working on the business with working in the business. Accordingly, while we would prefer to have all of the information submitted at the time of application we will allow the application to be processed with the information from the: Structure and History, Product/Service, Financial Information/Regulatory Compliance, and Project (if applicable) areas provided at the time of application. The balance of the information must be provided during the assessment period and prior to receiving assistance. Additional information may be needed during the assessment process depending on business situation and prior information provided.

### **History and Structure**

- \_\_\_ Describe the business' structure.
- \_\_\_ Identify the principals, key management, include a copy of the organization chart (if available), and describe succession planning.
- \_\_\_ Describe the business' history such as when and how did it start and share some of the high (and low) points of its history.
- \_\_\_ Describe recent or current changes to improve productivity or profitability along with the status or results.
- \_\_\_ List any certifications (such as ISO 9001 2000), awards or other noteworthy recognition.
- \_\_\_ What motivated you (and/or the business owners) to get involved and what has been your experience?
- \_\_\_ What do you (and/or the business owners) want to get out of the business?
- \_\_\_ Describe the key areas that make (or will make) the business successful?
- \_\_\_ What are the business' short and long range plans, including any expansion or relocation needs?
- \_\_\_ Describe the business' facilities such as age, size, zoning, opportunities for expansion, etc.
- \_\_\_ Describe the business' management and personnel (management expertise, key employees, use of professional services, present and future staffing requirements, breakdown of skill levels, wages, unionization, etc.).
- \_\_\_ Describe the general office situation, recordkeeping, and information systems.
- \_\_\_ What would you like to improve in these areas or what information would you like these systems to provide?
- \_\_\_ Is the office facility efficiently organized, reflect the image you want for your company, and is it customer-friendly?
- \_\_\_ Identify what kind of improvements/adjustments you envision would make the appropriate changes.

### **Product or Service**

- \_\_\_ What products does the business sell and what percentage (number and dollar) do they represent of your total sales?
- \_\_\_ What raw material(s) does the business use (whole tires, shreds, crumb, etc.) and who is the business' supplier(s)?
- \_\_\_ Describe the product(s) quality and cost of production.

- \_\_\_ What do you believe could improve the product or reduce the cost?
- \_\_\_ What do you see as your business' advantage over its competition?

### **Sales**

- \_\_\_ Describe the sales process (solicitation, receipt of orders, recordkeeping, fulfillment, collection of monies, customer satisfaction follow up, etc.).
- \_\_\_ Describe the distribution process (wholesale/retail).
- \_\_\_ How successful has the business been in marketing to customers?
- \_\_\_ Are you aware of customers in the marketplace that you have not been able to reach? If so, what is the reason?
- \_\_\_ What repayment terms, if any, are offered to customers?
- \_\_\_ Describe how product pricing is determined.
- \_\_\_ Who are the business' major customers (more than 5% of annual sales)?
- \_\_\_ What is/are the business' current market segment(s) and sales per market segment?
- \_\_\_ What markets would you like to expand/enter and why?
- \_\_\_ Who would you like to have as new customers and why?
- \_\_\_ Who are the business' major competitors and in what market segments?

### **Marketing**

- \_\_\_ What is the advertising/promotion strategy (print, media, mail, trade shows, etc.) for the business and why was that approach taken?
- \_\_\_ If you were to change anything, how would you change it and why?
- \_\_\_ How would you describe the business' web site and its usefulness as a sales tool?
- \_\_\_ Are the sales brochures, promotional pieces, point-of-sale items, etc., as effective as possible or what would you like to improve and why?
- \_\_\_ Are there any testing, certifications, or independent studies that would demonstrate the performance or cost effectiveness of the business' product and assist in sales?

### **Production Process**

- \_\_\_ Describe the material and process flow of the business.
- \_\_\_ Include a layout of the plant along with flow diagrams, if possible.
- \_\_\_ Identify the key pieces of equipment, their condition, and processing capacity in pounds per hour (or day).
- \_\_\_ Tell us about the operating shifts (hours, days per week, number of operators by position, etc.).
- \_\_\_ Explain the repair and maintenance procedures, personnel, timelines, etc.

### **Financial Information/Regulatory Compliance**

- \_\_\_ Are there any issues that we should know regarding the business' financial condition or regulatory compliance?
- \_\_\_ Let us know if the business or principals have had voluntary or involuntary bankruptcies, foreclosures, repossessions, debt judgments or criminal penalties within the last seven years.
- \_\_\_ If there are affiliated businesses, how do you handle the related entity transactions?
- \_\_\_ How are loans (or other transactions) to or from shareholders or employees recorded and treated?
- \_\_\_ Tell us if there are any legal actions, such as claims or lawsuits, pending against the business.
- \_\_\_ Does the business have obligations not included on its financial statements, or is the business is a guarantor, co-maker or endorser for any obligations?
- \_\_\_ Are there any regulatory issues that we should know about?

### **Project (for new products, business expansion, feedstock conversion, etc.)**

- \_\_\_ Describe what you would like to do (introduce a new product, convert to using recycled rubber from virgin rubber or other material, expand from waste tire hauling or shredding tires for use as alternative daily cover to preparing tire chips for civil engineering applications, etc.).
- \_\_\_ Tell us why you want to pursue this project and why it makes sense for the business.
- \_\_\_ Describe the market, including demand and competition, and the business' anticipated market position.
- \_\_\_ Identify any assistance and equipment necessary for the project to be successful.

## **Appendix D**

### **QUESTION AND ANSWER PROCESS**

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Questions must be asked in writing by **May 9, 2006**, to the address below. Responses will be provided as soon as possible and posted continually on the Frequently Asked Question (FAQ) section of the Program's web site. Similar or related questions may be grouped together or reworded for clarity and responded to as one question.

Note: Periodically check Program's web site for updates at:

<http://www.ciwmb.ca.gov/Tires/Grants/TDPBusiness/>

To ask questions, request an application, or for more information:

Web site: <http://www.ciwmb.ca.gov/Tires/Grants/TDPBusiness/>

Email: [tiregrants@ciwmb.ca.gov](mailto:tiregrants@ciwmb.ca.gov)

Phone: (916) 341-6441

Mail: California Integrated Waste Management Board  
Tire-Derived Product Business Assistance Program, MS 22  
P.O. Box 4025  
Sacramento, CA 95812-4025

## **Appendix E**

### **CONFIDENTIALITY**

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We appreciate your need to treat certain documents provided to the CIWMB as confidential. This section describes what is considered “confidential or proprietary information” (also known as “trade secret”) under the California Public Records Act (Govt. Code 6250, et seq.) and related regulations. It also describes how questions are resolved whether information is truly confidential, the legal protections for confidential information, internal and Program procedures to maintain confidentiality.

#### **What is “confidential?”**

Title 14 of the California Code of Regulations (14 CCR) sections 17041-17046 states that confidential or proprietary information shall include, but is not limited to:

- (1) personal or business-related financial data, customer client lists, supplier lists and other information of a proprietary or confidential business nature provided by persons in applications, reports, returns, certifications or other documents submitted to the Board which if released would result in harmful effects on the person's competitive position;
- (2) tax information prohibited from disclosure, pursuant to the [Revenue and Taxation Code](#).

Accordingly, appropriate documents submitted with this application that are clearly marked "confidential/proprietary information" will be handled by the CIWMB pursuant to the procedures set forth in 14 CCR sections 17041-17046.

However, the mere marking of documents (such as sales brochures, promotional literature and other general non-financial documents) as "confidential/proprietary information" will not result in their being treated as confidential if they do not fall within the categories of protected financial documents listed above.

#### **What if there is a question about what is confidential?**

If the CIWMB received a request to disclose data claimed by the Applicant to be confidential, the CIWMB would notify the Applicant of the request and that it was reviewing the documents to determine whether information was correctly identified as “confidential.” If there was any question whether specific information was confidential, the CIWMB would contact the person(s) identified in the Applicant Declaration and Certification to provide a justification and statement why the information is confidential. The process for evaluating confidentiality claims is set forth in 14 CCR 17046.

#### **What internal or program procedures will keep information confidential?**

Financial information will be analyzed by staff from the RMDZ, kept confidential, and will be maintained in a locked cabinet with restricted access. Grantee businesses will agree to provide specific key financial information for five years to develop benchmarks to evaluate Program and industry performance. The Public Records Act only applies to records maintained and retained by the CIWMB. Therefore, when an individual business' financial information is no longer needed to provide the services offered under the Program, it will be destroyed, thus ensuring confidentiality.

The Contractor, and every member of the Assistance Team, is bound by a confidentiality agreement that prohibits them from disclosing any financial or competitive information. Appropriate financial information will be reviewed by specific members of the Contractor Assessment Team (Team) on a need-to-know basis. The Contractor and any member of the Assessment Team in physical possession of any business' financial information are contractually required to maintain such information in a secure manner that ensures that access is limited only to those individuals who need the information to fulfill their functions within the Assistance Team.

Only the Assistance Team members responsible for providing relevant business assistance, including but not limited to, strategic planning or identifying possible adjustments to optimize the business' financial structure, will have access to appropriate financial information. Those Team members that provide technical, marketing, equipment selection, testing and certification or other types of assistance do not have a "need-to-know" and would not have access to the financial information.

## **Appendix F**

### **DEFINITIONS**

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**Applicant**—the business submitting an application requesting assistance grant.

**Assistance Grant Agreement**—See Grant Agreement

**Assistance Team**—the Program Contractor and/or any of its subcontractors.

**Authorized Signature**—the signature of the person authorized (by position title) by the applicant's owner or chief executive to execute in the name of the company all necessary applications, contracts, agreements, amendments, and payment requests for the purpose of securing grant funds and receiving assistance under the Program, and to implement and carry out the purposes specified in the grant application.

**Board**—the six-member governing body of the CIWMB.

**Budget Itemization**—a detailed list of all eligible costs relating to the project.

**Business Description**—a comprehensive description of a business, its products, production, sales, and all other relevant areas.

**CIWMB**—refers to the California Integrated Waste Management Board, staff, programs, projects, etc.

**Competitive Grant**—an award of money for which applicants compete.

**Confidential Information**—information that includes, but is not limited to:  
(1) personal or business-related financial data, customer client lists, supplier lists and other information of a proprietary or confidential business nature provided by persons in applications, reports, returns, certifications or other documents submitted to the Board which if released would result in harmful effects on the person's competitive position;  
(2) tax information prohibited from disclosure, pursuant to the [Revenue and Taxation Code](#).

**Contingency**—an unforeseen event. Contingent expenses are those used for unexpected conditions.

**Contractor**—the consultant that is responsible for evaluating applicant businesses and delivering technical and consultative services to Grantees under the Tire-Derived Product Business Assistance Contract.

**Cost Savings**—in-kind services, re-use and recycling options, and use of pre-existing promotional materials, etc.

**Criterion**—a rule for evaluating; a standard of judgment.

**Endorsement**—written approval or sanction.

**Environmental Justice**—"The fair treatment of people of all races, cultures, and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies" {Government Code § 6540.12(c)}.

**Estimate**—a written statement of the approximate charge for the work to be done, submitted by a person, or company ready to undertake the work.

**Evaluation**—to determine the significance or quality of; to assess methods used to measure the success of the project.

**General Business Needs Assessment (GBNA)** —the written assessment performed by the Assistance Team of the Applicant.

**Goal**—an object or end one tries to attain.

**Grantee**—the term used to refer to the business after it has a signed Grant Agreement with CIWMB.

**Grant Agreement**—a legal, binding document that includes a cover sheet, terms and conditions, procedures and requirements, attachments, and is signed by both the grantee (with designated signature authority) and CIWMB's Executive Director or his designated signatory.

**Grant Award**—amount of assistance and/or equipment needs awarded by CIWMB consistent with the GBNA.

**Match Funds**—funds that are provided by the grantee.

**Notice to Proceed**—the formal letter from CIWMB notifying the grantee to start its grant project.

**Need**—a condition requiring supply or relief.

**Objective**—a measurable target that must be met on the way to attaining a goal.

**Other Costs**—eligible costs not included in the listed categories of the budget.

**Post-Consumer Material**—as defined in the Public Contract Code (PCC) 12200 (b) "...a finished material that would have been disposed of as a solid waste, having completed its life cycle as a consumer item." It does not include manufacturing wastes. Post consumer material is generally a product that was bought by the consumer, used, and then recycled into another product.

**Pre-Consumer**—materials or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Examples of pre-consumer recovered materials include, but are not limited to; obsolete inventories of finished goods, rejected unused stock and paper wastes generated during printing, cutting, and other converting operations.

**Primary Contact**—the main person with whom the CIWMB Program Manager will communicate regarding questions, requests, and clarifications.

**Program**—the Tire-Derived Product Business Assistance Program.

**Quote**—to provide in writing, the current or market price of a service, supply, materials, or piece of equipment.

**Recipient**—the business receiving an assistance grant award from CIWMB.

**Recycle**—to treat or process used or waste material so as to make it suitable for re-use or a new use.

**Recycled-Content Material (Recycled Product)**—as defined in PCC, Section 12200(a)(1). All materials, goods, and supplies, no less than fifty (50) percent of the total weight of which consists of secondary and post-consumer material with not less than ten (10) percent of its total weight consisting of post-consumer material. A recycled product shall include any product that could have been disposed of as solid waste having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of its form.

**Recycled-Content Purchasing Directive**—an administrative order, policy, or memo instructing the purchase of recycled-content products.

**Recycled-Content Purchasing Policy**—a policy of a business specifically to purchase recycled-content products instead of non-recycled products whenever price, quality, and availability are comparable.

**Recycling Program**—a plan of action to accomplish recycling and/or to create awareness of the importance of recycling.

**Reference**—a formal statement regarding a person's or organization's character or experience.

**Resolution**—a formal authorization of opinion, support or intention made, usually after voting by a formal organization.

**Resume**—a brief written account of personal, educational, and professional qualifications and experience.

**Secondary Contact**—the alternate person (if the primary contact is not available) with whom the CIWMB Program Manager will communicate regarding questions, requests, and clarifications.

**Secondary Material**—as defined in PCC 12200(c) "...fragments of unfinished products or finished products of a manufacturing process that has converted a resource into a commodity of real economic value, and includes post-consumer material, but does not include excess virgin resources of the manufacturing process." The material (product) did not get to the consumer before being recycled.

**Task**—the specific activities conducted to complete a project.

**Timeframe**—a period of time during which something has taken or will take place; the project beginning and ending date required to complete the project or task.

**Total Grant Request**—the amount of the grant funds requested.

**Unmet Need**—a lack of service, equipment, funding, or facility to fulfill the project.

**Used Tire**—means a tire that meets all of the following requirements:

1. The tire is no longer mounted on a vehicle but is still suitable for use as a vehicle tire;
2. The tire meets the application requirements of the Vehicle Code and Title 13 of the California Code of Regulations; and
3. The used tire is stored by size in a rack or a stack, but not in a pile, in a manner approved by the local fire marshal and vector control authorities and in accordance with the state minimum standards. The used tire shall be stored in a manner to allow inspection of each individual tire.

**Volunteer Labor**—work produced by a person or persons willingly and without pay or compensation.

**Waste Tire**—a tire that is no longer mounted on a vehicle and is no longer suitable for use as a vehicle tire due to wear, damage, or deviation from the manufacturer's original specifications. A waste tire includes a repairable tire, scrap tire, and altered waste tire, but does not include a tire derived product, crumb rubber, or a used tire that is organized for inspection and resale by size in a rack or a stack in accordance with Public Resources Code Section 42950(k).

**Work Plan**—the detailed listing of all tasks (and sub-tasks) necessary to provide the Grantee with the assistance identified in the GBNA and approved by the Board.