

RFP #21-980369

FLORIDA ELECTRIC TRANSIT BUSES WITH CHARGING AND ASSOCIATED EQUIPMENT

PINELLAS SUNCOAST TRANSIT AUTHORITY

September 23, 2021



SECTION 3 — QUALIFICATIONS

SUBMITTED BY:
BYD Coach & Bus LLC.
1800 South Figueroa Street
Los Angeles, CA 90015

BYD CONTACT PERSONNEL:
Patrick Duan, Senior VP of Operations
P: 213.880.8597 E: patrick.duan@byd.com

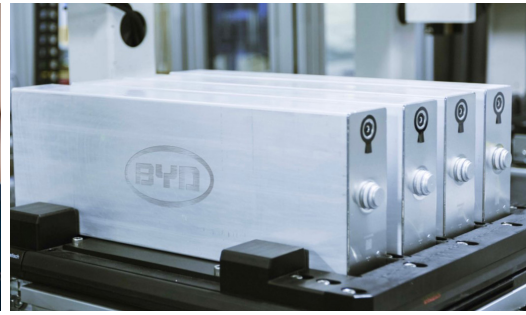
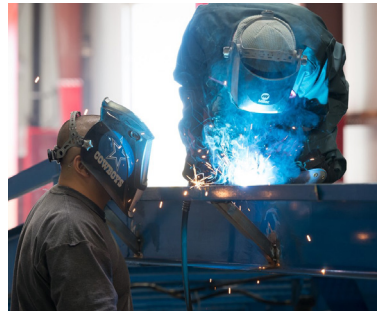
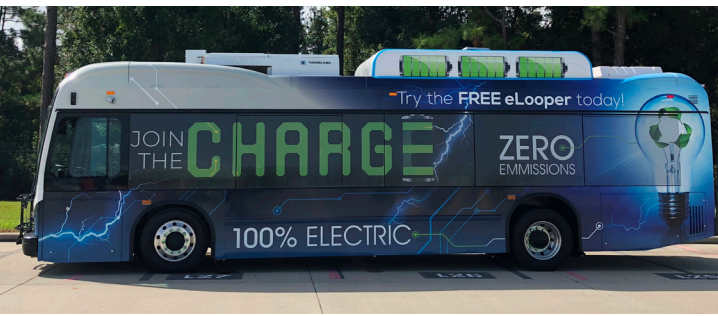
John Hatch, Southeast Regional Sales Manager,
P: 407.729.0406 E: john.hatch@byd.com

Maria Mendoza, Director of Bids and Grants
P: 213.356.3660 E: maria.mendoza1@byd.com

SUBMITTED TO:
Pinellas Suncoast Transit
Authority
Attn: Alvin R. Burns Jr., Director
of Procurement
3201 Scherer Drive
St. Petersburg, FL 33716

THIS PROPOSAL INCLUDES INFORMATION THAT SHALL NOT BE DISCLOSED OUTSIDE OF PINELLAS SUNCOAST TRANSIT AUTHORITY. AND SHALL NOT BE DUPLICATED, USED, OR DISCLOSED, IN WHOLE OR IN PART, FOR ANY PURPOSE OTHER THAN TO EVALUATE THIS PROPOSAL. IF, HOWEVER, A CONTRACT IS AWARDED TO THIS BYD AS A RESULT OF, OR IN CONNECTION WITH, THE SUBMISSION OF THIS INFORMATION, PINELLAS SUNCOAST TRANSIT AUTHORITY SHALL HAVE THE RIGHT TO DUPLICATE, USE, OR DISCLOSE THE INFORMATION TO THE EXTENT PROVIDED IN THE RESULTING CONTRACT. THIS RESTRICTION DOES NOT LIMIT PINELLAS SUNCOAST TRANSIT AUTHORITY'S RIGHT TO USE INFORMATION CONTAINED IN THIS INFORMATION IF IT IS OBTAINED FROM ANOTHER SOURCE WITHOUT RESTRICTION. THE INFORMATION SUBJECT TO THIS RESTRICTION IS CONTAINED ON ALL PAGES THAT FOLLOW.

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PRE-AWARD EVALUATION DATA FORM



CER 7. Pre-Award Evaluation Data Form

NOTE: This form is to be completed and included in the Qualification Package. Attach additional pages if required.

PSTA
RFP 21-980369

<p>1. Name of firm: BYD Coach and Bus LLC</p> <p>2. Address: 1800 S. Figueroa St. Los Angeles, CA 90015</p> <p>3. <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture</p> <p>4. Date organized: April 2, 2013 State in which incorporated: California</p> <p>5. Names of officers or partners: a. Stella Li, President b. Patrick Duan, Vice President of Operations c. John Zhuang, Corporate Counsel d. Boris Wang, Director of Finance e.</p> <p>6. How long has your firm been in business under its present name? 8 years</p>
<p>7. Attach as SCHEDULE ONE a list of similar current contracts that demonstrates your available capacity, including the quantity and type of bus, name of contracting party, percentage completed and expected completion date.</p> <p>8. Attach as SCHEDULE TWO a list of at least three similar contracts that demonstrates your technical proficiency, each with the name of the contracting party and number and they type of buses completed within the last five years.</p> <p>9. Have you been terminated or defaulted, in the past five years, on any Contract you were awarded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, then attach as SCHEDULE THREE the full particulars regarding each occurrence.</p> <p>10. Attach as SCHEDULE FOUR Proposer's last three (3) financial statements prepared in accordance with generally accepted accounting principles of the jurisdiction in which the Proposer is located, and audited by an independent certified public accountant; or a statement from the Proposer regarding how financial information may be reviewed by the Agency (This may require execution of an acceptable nondisclosure agreement between the Agency and the Proposer.)</p> <p>11. Attach as SCHEDULE FIVE a list of all principal Subcontractors and the percentage and character of Work (Contract amount) that each will perform on this Contract. N/A</p> <p>12. If the Contractor or Subcontractor is a joint venture, submit PRE-AWARD EVALUATION DATA forms for each member of the joint venture.</p>
<p>The above information is confidential and will not be divulged to any unauthorized personnel.</p>
<p>The undersigned certifies to the accuracy of all information: Name and title: Patrick Duan, Senior Vice President of Operations Company: BYD Coach and Bus LLC</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">  Authorized signature </div> <div style="text-align: center;"> 9/21/21 Date </div> </div>

CER 7. PRE-AWARD EVALUATION DATA FORM

SCHEDULE ONE

This schedule addresses the Pre-Award Evaluation Data form per requirements from your RFP section “CER 7. Pre-Award Evaluation Data Form” that calls for a list of similar contracts. In the chart below you will find a list of the current contract build buses that demonstrates our available capacity including the quantity and type of bus, name of contract party, percentage completed and expected completion date.

CUSTOMER NAME	QTY	MODEL	% COMPLETED	EXPECT COMPLETION DATE
City of Columbia	4	K7M	100	Completed
Kansas City International Airport	3	K7M	100	Completed
Macon Transit	2	K7M	100	Completed
Sonoma County	2	K7M	98	10.12.2021
Pinellas Suncoast Transportation Authority	4	K9S	95	10.14.2021
Anaheim Resort Transportation	10	K7M	90	10.30.2021
Anaheim Resort Transportation	20	K9M	25	Pilot Bus by 10/30/2021, All buses by 3/30/2022
San Francisco Municipal Transportation Agency	3	K9MD	10	Pilot Bus by 1/3/2021, All buses by 5/1/2021.
Charlotte Area Transportation	3	K9S	5	01.31.2021
Los Angeles County Metropolitan Transportation Authority	100	K9M	1	Pilot bus by 11/30/2020, 55 buses by 2021.
Los Angeles Department of Transportation	130	K7M	1	Pilot bus by 11/30/2020, 40 buses by 2021.
Long Beach Transit	14	K9M	1	Pilot Bus BY 1/6/2021, All buses
Fresno Area	2	K7M	0	02.02.2022
Martha’s Vineyard	2	K9M	0	04.01.2022
Martha’s Vineyard	1	K9S	0	04.01.2022

SCHEDULE TWO

SIMILAR CONTRACTS	SIMILAR CONTRACTS
Richard DeRock, General Manager LINK Transit 509.664.7610 richard@linktransit.com	Diana Kotler, Executive Director Anaheim Transportation Network 714.563.5287 dkotler@atnetwork.org
William J “Bill” Deville, Chief Executive Officer Capital Area Transit System 225.346.5559-direct 504.906.6183-mobile bdeville@brcats.com	Moses Stites, General Manager Fresno County Rural Transit 559.233.6789 x 244 mstites@fresnocog.org
Bryan Albee, Transit Systems Manager, Sonoma 707.585,7516 Bkalbee@sctransit.com	Corinne Ralph, Chief of Transit Programs LADOT 213.972.8408 corinne.ralph@lacity.org
Tony Cohen, Chief Maintenance Officer Sunline Transit 949.337.6871 (mobile) acohen@sunline.org	Lisa Maragnano Chattanooga Area Regional Transportation Authority CARTA 423.629.1411 lisamaragnano@gocarta.org
Roman Steichen, Director TransIT Services of Frederick County 301.600.3538 TransIT@FrederickCountyMD.gov	Dwayne Thompson Grand Prairie 780.538.0389 dthompson@cityofgp.com

SCHEDULE THREE

Currently, BYD Coach and Bus LLC does not have ongoing legal disputes that are materially averse to the company's future, smooth operations, or ability to perform under this procurement. The company from time-to-time encounters legal issues such as employee relations issues or frivolous claims typical to the region and industry. Furthermore, these issues do not have materially adverse impact to the company's future, smooth operations, or ability to perform under this procurement.

There has been some public information regarding legal issues with the City of Albuquerque as it is important to note that when the initial claim was put forth by the City it was a request to "Terminate for the City's Convenience". Today we can say that "BYD and the City have reached a settlement that resolves litigation, allowing the parties to move forward at no additional cost. Since the contract was terminated, both BYD and the City have engaged in good faith dialogue to reach this resolution. Although the parties made public statements in defense of their respective positions during the dispute, they are now committed to moving forward and wish each other success.

"The city supports BYD's pursuit of its mission to expand zero-emission public transportation with the next generation of high-quality electric buses. BYD supports the City's commitment to the Albuquerque Rapid Transit project and wishes the city best of luck on its completion and successful operation."

<https://www.cabq.gov/transit/news/city-of-albuquerque-and-electric-bus-maker-byd-reach-settlement>

SCHEDULE FOUR

BYD is publicly traded company and provides yearly financial records to investors. The agency can find BYD financials on any trading website such as Bloomberg or this information can be located on our website at the following address for review.

<http://www.byd.com/en/InvestorAnnals.html?scroll=true>

SCHEDULE FIVE

There are no major subcontractors for this procurement currently.

THREE (3) MOST RECENT FINANCIAL STATEMENTS



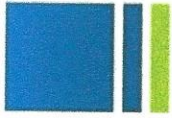
THREE (3) MOST RECENT FINANCIAL STATEMENTS

BYD is publicly traded company and provides yearly financial records to investors. The agency can find BYD financials on any trading website such as Bloomberg or this information can be located on our website at the following address for review.

<http://www.byd.com/en/InvestorAnnals.html?scroll=true>

LETTER FOR INSURANCE





DURAN RISK & INSURANCE SERVICES

an affiliate of United Agencies, Inc., License # OK02307

3257 E Guasti Ave., Suite 100 · Ontario, CA 91761

September 10, 2021

Attention: PSTA

RE: Insurance Requirements

To Whom It May Concern:

BYD Coach and Bus LLC meets the RFP insurance requirements as shown on the acord certificate of insurance provided.

Best Regards,

Edgar Duran, CIC, CLCS, CRIS, CISR

President/CEO

Duran Risk & Insurance Services, Inc.



BYDMOTO-01

CARLOSD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/9/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # 0252636 United Agencies 3257 E. Guasti Ave, Suite 100 Ontario, CA 91761	CONTACT NAME: Luz Duran PHONE (A/C, No, Ext): _____ FAX (A/C, No): (929) 295-7377 E-MAIL ADDRESS: luzd@duraninsuranceservices.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Lloyd's of London	
	INSURER B : National Fire & Marine Insurance Company 20079 INSURER C : Indemnity Insurance Company of North America 43575 INSURER D : _____ INSURER E : _____ INSURER F : _____	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:


THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> GL Ded \$50,000 <input checked="" type="checkbox"/> Garage Liab \$1M/\$2M GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input checked="" type="checkbox"/> OTHER: Garage Keepers Ded \$50,000			GLL1021105	8/2/2021	8/2/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Garage Keepers \$ 1,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> Deductible \$2,500			73APB004824	7/3/2021	7/3/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			B0595XR6860021	8/2/2021	8/2/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	4421700	10/1/2020	9/30/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Liability			XS1137221	8/2/2021	8/2/2022	Occurrence 4,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

Proof of Insurance	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

FORM FOR PROPOSAL DEVIATION



CER 5. Form for Proposal Deviation

This form shall be completed for each condition, exception, reservation or understanding (i.e., Deviation) in the Proposal according to “Conditions, Exceptions, Reservations or Understandings.” One copy without any price/cost information is to be placed in the Technical Proposal as specified in “Technical Proposal Requirements,” and a separate copy with any price/cost information placed in the Price Proposal as specified in “Price Proposal Requirements.”

PSTA

[RFP 21-980369]

Deviation No.: 1	Contractor: BYD	RFP section: TS 19 Altoona Testing	Page: 99
Complete description of Deviation: <p>The BYD K9MD will complete the Altoona test on Q2 of 2022</p>			
Rationale (pros and cons): <p>This will ensure that the bus delivered will be Altoona Tested and required by the RFP.</p>			

CER 5. Form for Proposal Deviation

This form shall be completed for each condition, exception, reservation or understanding (i.e., Deviation) in the Proposal according to “Conditions, Exceptions, Reservations or Understandings.” One copy without any price/cost information is to be placed in the Technical Proposal as specified in “Technical Proposal Requirements,” and a separate copy with any price/cost information placed in the Price Proposal as specified in “Price Proposal Requirements.”

PSTA

[RFP 21-980369]

Deviation No.: 2	Contractor: BYD	RFP section: TS 19 Altoona Testing	Page: 99
Complete description of Deviation: <p>The BYD C10M model will complete the Altoona test on Q4 of 2022</p>			
Rationale (pros and cons): <p>This will ensure that the bus delivered will be Altoona Tested and required by the RFP.</p>			

PROPOSAL FORM



CER 9. Other Certifications**CER 9.1 Proposal Form**

Proposer shall complete the following form and include it in the price Proposal.

PROPOSAL

By execution below by a duly authorized representative(s) of the Proposer, the Proposer hereby offers to furnish equipment and services as specified in its Proposal submitted to **Pinellas Suncoast Transit Authority** in response to Request for Proposal No. 21-980369 Electric Transit Buses with Charging and Associated Equipment

Proposer: BYD Coach and Bus LLC

Street address: 1800 S. Figueroa St.

City, state, ZIP: Los Angeles, CA 90015

Name and title of Authorized Signer(s): Patrick Duan, Senior Vice President of Operations

Name and title of Authorized Signer(s): _____

Phone: (213) 748-3980



Authorized signature

9/21/21

Date

Authorized signature

Date

FEDERAL CERTIFICATIONS



BUY AMERICA CERTIFICATION

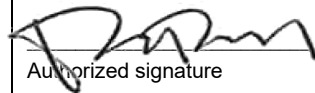
CER 8. Federal Certifications**CER 8.1 Buy America Certification**

This form is to be submitted with an offer exceeding the small purchase threshold for federal assistance programs, currently set at \$150,000.

Certificate of Compliance

The Contractor hereby certifies that it will comply with the requirements of 49 USC 5323(j)(1) and (13), as amended, and the regulations of 49 CFR 661.11:

Name and title: Patrick Duan, Senior Vice President of Operations
Company: BYD Coach and Bus LLC



Authorized signature

9/21/21

Date

OR**Certificate of Non-Compliance**

The Contractor hereby certifies that it cannot comply with the requirements of 49 USC 5323(j)(1) and (13), as amended, but may qualify for an exception to the requirements consistent with 49 USC 5323(j)(1) and (13), as amended, and regulations in 49 CFR 661.7.

N/A

Name and title:
Company:

Authorized signature

Date

DEBARMENT AND SUSPENSION CERTIFICATION FOR PROSPECTIVE CONTRACTOR

CER 8.2 Debarment and Suspension Certification for Prospective Contractor

Primary covered transactions must be completed by Proposer for contract value over \$25,000.

Choose one alternative:

- ☒ The Proposer, BYD Coach and Bus LLC, certifies to the best of its knowledge and belief that it and its principals:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 2. Have not within a three-year period preceding this Proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or Contract under a public transaction; violation of federal or state antitrust statutes or commission or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
 4. Have not within a three-year period preceding this Proposal had one or more public transactions (federal, state or local) terminated for cause or default.

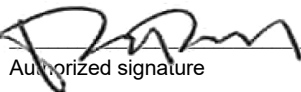
OR

- ☐ The Proposer is unable to certify to all of the statements in this certification, and attaches its explanation to this certification. (In explanation, certify to those statements that can be certified to and explain those that cannot.)

The Proposer certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of Title 31 USC § Sections 3801 are applicable thereto.

Executed in Los Angeles, CA.

Name: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

DEBARMENT AND SUSPENSION CERTIFICATION (LOWER-TIER COVERED TRANSACTION)

CER 8.3 Debarment and Suspension Certification (Lower-Tier Covered Transaction)

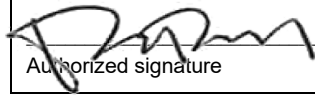
This form is to be submitted by each Subcontractor receiving an amount exceeding \$25,000.

The prospective lower-tier participant (Proposer) certifies, by submission of this Proposal, that neither it nor its "principals" as defined at 49 CFR § 29.105(p) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

If the prospective Proposer is unable to certify to the statement above, it shall attach an explanation, and indicate that it has done so by placing an "X" in the following space: _____

THE PROPOSER, BYD Coach and Bus LLC, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND EXPLANATION, IF ANY. IN ADDITION, THE PROPOSER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 USC §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND EXPLANATION, IF ANY.

Name and title of the Proposer's authorized official:


Authorized signature


9/21/21

Date

NON-COLLUSION AFFIDAVIT

CER 8.4 Non-Collusion Affidavit

This affidavit is to be filled out and executed by the Proposer; if a corporation makes the bid, then by its properly executed agent. The name of the individual swearing to the affidavit should appear on the line marked "Name of Affiant." The affiant's capacity, when a partner or officer of a corporation, should be inserted on the line marked "Capacity." The representative of the Proposer should sign his or her individual name at the end, not a partnership or corporation name, and swear to this affidavit before a notary public, who must attach his or her seal.

State of <u>California</u> , County of <u>Los Angeles</u>	
I, <u>Yuefeng (Patrick) Duan</u> , being first duly sworn, do hereby state that (Name of Affiant)	
I am <u>Senior Vice President of Operations</u> of <u>BYD Coach and Bus LLC</u> Capacity) (Name of Firm, Partnership or Corporation)	
whose business is <u>Manufacture of Electric Buses</u>	
and who resides at <u>1800 S. Figueroa St. Los Angeles, CA 90015</u>	
and that <u>BYD Coach and Bus LLC</u> (Give names of all persons, firms, or corporations interested in the bid)	
is/are the only person(s) with me in the profits of the herein contained Contract; that the Contract is made without any connection or interest in the profits thereof with any persons making any bid or Proposal for said Work; that the said Contract is on my part, in all respects, fair and without collusion or fraud, and also that no members of the Board of Trustees, head of any department or bureau, or employee therein, or any employee of the Agency, is directly or indirectly interested therein.	
Signature of Affiant Date <u></u> <u>8/25/2021</u>	
<p>The foregoing instrument was sworn to before me by means of <input type="checkbox"/> physical presence or <input type="checkbox"/> online notarization this _____ day of _____, 20____, by _____ (name), as _____ (type of authority) on behalf of the _____ (type of business entity). She/he is <input type="checkbox"/> personally known to me or <input type="checkbox"/> has produced _____ (type of identification) as identification.</p> <p style="text-align: center;">See Attached Certificate</p>	<p>Seal</p>
Notary public	My commission expires

CALIFORNIA JURAT

GOVERNMENT CODE § 8202

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on

this 25th day of August, 2021, by
Date Month Year(1) Yuefeng Duan(and (2) _____),
Name(s) of Signer(s)

Place Notary Seal and/or Stamp Above

proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.Signature 宋君雨
Signature of Notary Public**OPTIONAL**

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

LOBBYING CERTIFICATION

CER 8.5 Lobbying Certification

This form is to be submitted with an offer exceeding \$100,000.

The Proposer certifies, to the best its knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a federal department or agency, a member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress in connection with the awarding of any federal Contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification thereof.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal Contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction, as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontracts, sub grants and contracts under grants, loans and cooperative agreements) and that all sub recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, USC § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

THE PROPOSER, BYD Coach and Bus LLC, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE PROPOSER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 USC §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

Name of the bidder or Proposer's authorized official: Patrick Duan

Title: Senior Vice President of Operations

Signature 

9/21/21

Date

Per paragraph 2 of the included form Lobbying Certification, add Standard Form–LLL, "Disclosure Form to Report Lobbying," if applicable.

CERTIFICATE OF COMPLIANCE WITH BUS TESTING REQUIREMENT

CER 8.6 Certificate of Compliance with Bus Testing Requirement: K7 Model

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. ☒ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on 4/3/17 (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.
2. ☐ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.
3. ☐ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company name: BYD Coach and Bus LLC

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

CER 8.6 Certificate of Compliance with Bus Testing Requirement:K8M Model

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

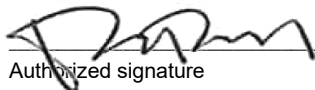
Mark one and only one of the three blank spaces with an "X."

1. ☒ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on 12/16/20 (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.
2. ☐ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.
3. ☐ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company name: BYD Coach and Bus LLC

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

CER 8.6 Certificate of Compliance with Bus Testing Requirement: K9M Model

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. ☒ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on 6/27/14 (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.
2. ☐ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.
3. ☐ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company name: BYD Coach and Bus LLC

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

CER 8.6 Certificate of Compliance with Bus Testing Requirement: K9MD Model

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. _____ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on _____ (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.
2. _____ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.
3. ☒ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company name: BYD Coach and Bus LLC

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

CER 8.6 Certificate of Compliance with Bus Testing Requirement: C10M

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. _____ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on _____ (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.
2. _____ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.
3. ☒ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company name: BYD Coach and Bus LLC

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

CER 8.6 Certificate of Compliance with Bus Testing Requirement: K11M Model

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. ☒ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on 1/16/20 (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.
2. ☐ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.
3. ☐ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

Company name: BYD Coach and Bus LLC

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations



Authorized signature

9/21/21

Date

DBE APPROVAL CERTIFICATION

CER 8.7 DBE Approval Certification

I hereby certify that the Proposer has complied with the requirements of 49 CFR 26, Participation by Disadvantaged Business Enterprises in DOT Programs, and that its goals have not been disapproved by the Federal Transit Administration.

Name and title of the Proposer's authorized official: Patrick Duan, Senior Vice President of Operations


Authorized signature

9/21/21

Date



U.S. Department
Of Transportation
**Federal Transit
Administration**

Headquarters

East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, DC 20590

August 31, 2021

Enid Santiago, DBELO
BYD Coach & Bus
46147 BYD Boulevard
Lancaster, CA 93534

Re: TVM DBE Goal Concurrence/Certification Letter – Fiscal Year 2022

Dear Ms. Santiago:

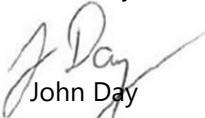
This letter is to inform you that the Federal Transit Administration's (FTA) Office of Civil Rights has received BYD Coach & Bus' Disadvantaged Business Enterprise (DBE) goal and methodology for FY 2022 for the period of October 1, 2021–September 30, 2022. This goal submission is required by the U.S. Department of Transportation's DBE regulations at 49 CFR Part 26 and must be implemented in good faith.

We have reviewed your firm's FY 2022 DBE goal and determined that it complies with DOT's DBE regulations. Your firm is eligible to bid on FTA-funded transit contracts. This letter or a copy of the TVM listing on FTA's website may be used to demonstrate your firm's compliance with DBE requirements when bidding on federally funded vehicle procurements.

FTA reserves the right to remove/suspend this concurrence if your DBE program or FY 2022 DBE goal is not implemented in good faith. In accordance with this good faith requirement, you must submit your DBE Uniform Report to FTA by December 1, 2021. This report should reflect all FTA-funded contracting activity for the second period of FY 2021 (i.e., from April 1 to September 30).

Also note that your FY 2023 DBE goal methodology must be submitted to FTA by August 1, 2022. Any significant updates to the program plan must be submitted to FTA as they occur. If you have any questions, please contact the FTA DBE Team via email at FTATVMSubmissions@dot.gov.

Sincerely,


John Day
Program Manager
Office of Civil Rights

FEDERAL MOTOR VEHICLE SAFETY STANDARDS


CER 8.8 Federal Motor Vehicle Safety Standards

The Proposer and (if selected) Contractor shall submit (1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

Company name: BYD Coach and Bus LLC

Name of signer: Patrick Duan

Title: Senior Vice President of Operations


Authorized signature

9/21/21

Date

RFP #21-980369

FLORIDA ELECTRIC TRANSIT BUSES WITH CHARGING AND ASSOCIATED EQUIPMENT

PINELLAS SUNCOAST TRANSIT AUTHORITY

September 21, 2021



SUBMITTED BY:

BYD Coach & Bus LLC.
1800 South Figueroa Street
Los Angeles, CA 90015

BYD CONTACT PERSONNEL:

Patrick Duan, Senior VP of Operations
P: 213.880.8597 E: patrick.duan@byd.com

John Hatch, Southeast Regional Sales Manager,
P: 407.729.0406 E: john.hatch@byd.com

Maria Mendoza, Director of Bids and Grants
P: 213.356.3660 E: maria.mendoza1@byd.com

SUBMITTED TO:

Pinellas Suncoast Transit
Authority
Attn: Alvin R. Burns Jr., Director
of Procurement
3201 Scherer Drive
St. Petersburg, FL 33716