



# **Stand-By Power Generator Install Sealed Bid (Bid-300) Town of Salem, NH**

**April 2011**

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## **SALEM PURCHASING**

Stephen Artemis, Purchasing Agent  
603-890-2090 fax 603-890-2091  
sartemis@ci.salem.nh.us

Keith Hickey, Town Manager

Prepared for and in coordination with the  
**SALEM FIRE DEPARTMENT**  
Paul Leischner, Deputy Fire Chief  
603-685-6518 fax 603-893-3789  
pleischner@ci.salem.nh.us

**COMPETITIVE SEALED BIDS FOR  
Salem Fire Generator Install  
April 2011**

It is the intent of the Town of Salem, New Hampshire to engage the services of a qualified firm to provide the town with the following product(s) or services to be purchased. **“Stand-By Power Generator”**

Sealed bids must be received no later than April 19<sup>th</sup> 2011 at or before 11:00am from interested firms, to be eligible for consideration by the town. Each bid will be submitted in a sealed envelope which is clearly marked **“Bid- 300 Stand-By Power Generator”**

All sealed bids received will be considered confidential and not available for public review until after the bid opening on April 19<sup>th</sup> 2011 at 11:00am.

Sealed bids and all correspondence relating to this ITB shall be submitted to:

**STEPHEN ARTEMIS**  
Purchasing Agent  
Town of Salem  
33 Geremonty Drive  
Salem NH 03079

Qualified Firms requiring additional information or clarification relative to the contents of the bid may direct inquiries to Stephen Artemis, Purchasing Agent at 603-890-2090 or [sartemis@ci.salem.nh.us](mailto:sartemis@ci.salem.nh.us). Bid documents may be picked up at the office of the Purchasing Agent at the above address during regular business hours: Monday to Friday 8:30 am to 5:00 pm. Please visit our website to download a copy of this Bid-300 [www.townofsalemnh.org](http://www.townofsalemnh.org) Finance-Purchasing /bids-proposals. Copies will not be faxed.

(1) One original and (1) one copy is required and must be received at the above address no later than April 19<sup>th</sup> 2011 on or before 11:00am, late bids will not be considered.

To set up a time to visit the location where the generator will be installed, please contact Deputy Chief Paul Leischner at 603-685-6518 or Stephen Artemis 603-890-2090

The Town reserves the right to reject any or all bids/proposals or any part thereof, to waive any informality or information in the bids/proposals, and to accept the bid /proposal considered to be in the best interest of the Town. The Town also reserves the right to conduct reasonable negotiations with low bidders and sole bidders. Failure to submit all information may declare a bid/proposal as non-responsive subject for disqualification.



**Town of Salem, New Hampshire**

***Purchasing Department  
33 Geremonty Drive  
Salem, New Hampshire 03079  
PH (603) 890-2090 FAX (603) 890-2091***

**Notice To Qualified Firms**

- \*Do not alter bid documents in any way.
- \*All bid documents must be filled out to be considered.

If you wish to offer comments, additional information or alternate bids, please do below or on a separate sheet and attach it to the bid sheet.

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

The purpose of the attached specifications is to define minimum requirements only. They are not meant to be restrictive. All manufacturers meeting or surpassing these minimum specifications are invited to submit a bid/proposal.

Please don't hesitate to call me if you need any additional information.  
Stephen Artemis, Purchasing Agent (603) 890-2090

For questions or clarification on specifications please contact  
Paul Leischner, Deputy Fire Chief (603) 685-6518

The Town of Salem reserves the right to reject any and all sealed bids/proposals that it deems non-conforming to the specifications enclosed. All information must be filled out correctly for consideration.

**DO NOT FAX BIDS, THEY WILL NOT BE ACCEPTED.**



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**Specifications Exception Form**

In the interest of fairness and sound business practice, it is mandatory that you state any exceptions taken by you to our specifications.

It should not be the responsibility of the Town of Salem to ferret out information concerning the materials, which you intend to furnish.

If your bid/proposal does not meet all our specifications you must state it in the space provided below.

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Bids/proposals on equipment, vehicles, computers, supplies, services and materials not meeting specifications may be considered by the Town, however, all deviations must be listed above.

If your bid does not meet our specifications, and your exceptions are not listed above or in space provided, the Town of Salem may claim forfeiture on your bid, if submitted.

Signed \_\_\_\_\_  
I DO meet specifications

Signed \_\_\_\_\_  
I DO NOT meet specifications as listed in this bid, exceptions are in space provided.

Failure to submit this form with your Bid/Proposal response may result in your Bid/Proposal being rejected as unresponsive.



### **FORM FOR GENERAL BID**

In compliance with all specifications enclosed the Bidder hereby proposes to provide services/equipment in strict accordance with the specifications provided. All services, materials, labor, and equipment required for installing the generator at the Salem Fire Department will be supplied at the prices stated below;

#### **Salem Fire Department -Generator**

Furnish and Install (1) 100 KW Diesel Gen-Set per specifications.

Nationally Recognized brand name manufacturer (unit to be CAT, Onans, Cummins or Kohler-no other unit will be accepted) must be NRTL: UL Listed)

**Specify Brand:** \_\_\_\_\_

#### **Purchase Price**

\_\_\_\_\_ Dollars \$ \_\_\_\_\_  
Written \_\_\_\_\_ Figures

Manufacturer's Warranty \_\_\_\_\_

• Proposal Submitted by (Business Name) \_\_\_\_\_

• Title of person authorized to sign proposals \_\_\_\_\_

• Name of person authorized to sign proposals (printed) \_\_\_\_\_

• Signature of person authorized to sign proposals \_\_\_\_\_

• Business Phone \_\_\_\_\_ Business Fax \_\_\_\_\_

• Business Address \_\_\_\_\_ Date \_\_\_\_\_

• Business Email \_\_\_\_\_

• Business Type \_\_\_\_\_ (Individual, Partnership, Corporation etc.)



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**No Bid Questionnaire**

Reference: Sealed Bid-300

If you choose not to bid, please complete the questionnaire below and return it with your response by the bid opening date. Your assistance in helping us to analyze no bid rationale is very much appreciated. Thank You.

\* \* \* \* No Bid Questionnaire \* \* \* \*

A no bid is submitted in reply to the Town of Salem, NH invitation for bids for (enter requirement description): \_\_\_\_\_

Dated \_\_\_\_\_, for the following reasons:

\_\_\_\_\_ Item not supplied by our company.

\_\_\_\_\_ Bid Specification (Give reason(s) e.g., too restricted, not clear etc.)

\_\_\_\_\_ Profit Margin too low

\_\_\_\_\_ Past experience with the Town of Salem (give specific's e.g. payment delay, bid process, admin problems, etc. \_\_\_\_\_

\_\_\_\_\_ Insufficient time allowed to prepare and respond to bid request.

\_\_\_\_\_ Bid requirements too large \_\_\_\_\_ or too small \_\_\_\_\_ for our company.

\_\_\_\_\_ Priority of other business opportunities limits time.

\_\_\_\_\_ Other reason(s) Please Specify: \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name & Title)

## **GENERAL TERMS AND CONDITIONS**

**PREPARATIONS OF BIDS/PROPOSALS** Proposals shall be submitted on the forms provided and must be signed by the Bidder or his authorized representative. The person signing the proposal shall initial any corrections to entries made on the attached forms.

Vendors must provide pricing on all items appearing on the bid forms unless specific directions in the advertisement, on the bid form or in the special provisions allowed for partial bids. Failure to provide pricing on all items may disqualify the bid. Alternative bids will be considered, unless otherwise stated, only if the alternate is described completely, including, but not limited to, sample, if requested and specifications sufficient so that a comparison to the request can be made.

Any questions or inquiries must be submitted in writing, and must be received by the Purchasing Department no later than seven (7) calendar days before the Request for Proposal due date to be considered. Any changes to the Request for Proposal will be provided to all bidders of record.

The name of manufacturer, trade name, or catalog number mentioned in this request for bid description is for the purpose of designating a minimum standard of quality and type. Such references are not intended to be restrictive, although specified color, type of material and specified measurements may be mandatory.

Proposals will be considered for any brand that meets or exceeds the quality of the specifications listed. On all such proposals, the bidder shall specify the product they are proposing and shall supply sufficient data to enable a comparison to be made with the particular brand or manufacturer specified. Failure to submit the above may be sufficient grounds for rejection of the proposal.

**SUBMITTED BIDS/PROPOSALS:** Proposals must be submitted as directed in the Notice to Qualified Firms, and on the forms provided unless otherwise specified. Proposals must be typewritten or printed in ink. Proposals must be mailed or delivered in person. Proposals that are faxed or emailed will not be accepted.

**WITHDRAWING BIDS/PROPOSALS:** Proposals may be withdrawn prior to the opening date and time upon written request of the Proposer. Negligence on the part of the Proposer in preparing his/her proposal shall not constitute a right to withdraw a proposal subsequent to the proposal opening.

### **PROPOSAL EVALUATION:**

The Town reserves the right to reject any and all proposals received in response to the proposal. A proposal may be rejected, if the Firm:

- a. Fails to adhere to one or more of the provisions established in the proposal.
- b. Fails to submit its proposal at the time or in the format specified herein or to supply the minimum information requested herein.
- c. Fails to meet the minimum evaluation criteria specified in this proposal.
- d. Fails to submit its proposal to the required address on or before the deadline date established by the Town.
- e. Misrepresents its services, experience and personnel by providing demonstrably false information in its proposal or fails to provide material information.
- f. Fails to submit its cost on the enclosed bid form.

- g. Refuses a reasonable request for an interview.
- h. Refuses to provide clarification requested by the town.

**RECEIPT AND OPENING OF PROPOSALS:**

Proposals shall be submitted prior to the time fixed in the Request for Sealed Bids/RFP. Proposals received after the time so indicated shall be returned unopened.

**PROPOSAL RESULTS:**

All sealed bids received will be considered confidential and not available for public review until after the bid opening is conducted. Results will not be given over the phone. Please send your request in writing or send an email to [sartemis@ci.salem.nh.us](mailto:sartemis@ci.salem.nh.us) to receive sealed bid results after the public opening. Request for Proposals will remain confidential until the proposer has been selected.

**KNOWLEDGE AND EXPERIENCE:** Provide a description of the firm's knowledge and experience in the industry. Highlight your company's experience to provide the highest quality and effective product and reliable service and support.

**REFERENCES:** Projects within the past ten years best illustrating current qualifications for this project: (Please See Reference List)

**AWARD OF CONTRACT:** It is the policy of the Town of Salem, NH that contracts are awarded only to responsible bidders. In order to qualify as responsible, a prospective vendor must meet the following standards as they relate to this request:

- A. Have adequate financial resources for performance or have the ability to obtain such resources as required during performance.
- B. Have the necessary experience, organization, technical and professional qualifications, skills and facilities.
- C. Be able to comply with the proposed or required time of completion or performance schedule; and
- D. Have a demonstrated satisfactory record of performance.
- E. Adhere to the specifications of this bid and provide all documentation required of this bid.

The contract will be awarded to a responsive & responsible bidder based on the qualifications and experience of the bidder, the quality of the equipment/product /materials/services to be provided and the support that the bidder offers during the duration of the supply terms.

**EXECUTION OF AGREEMENT:**

The successful Proposer shall sign (execute) the necessary agreements for entering into the contract and return such signed agreements to the town within ten (10) calendar days from the date mailed or otherwise delivered to the successful Proposer.

**FAILURE TO EXECUTE AGREEMENT:**

Failure of the successful Proposer to execute the agreement at the date and time agreed upon by the Town and the successful Proposer shall be just cause for cancellation of the award and forfeiture of all deposits.

**CONTRACT TERMINATION:**

If at any time the Proposer fails to provide proper services during the contract period, the Town of Salem, NH will have the option to terminate the contract at any time without notice.

**FAILURE TO SUPPLY GOODS OR SERVICES:** If during the contract period the successful vendor fails to supply the Town of Salem, New Hampshire with the equipment/service (s). The Town of Salem, will purchase this product/service(s) on the open market and the vendor will compensate the Town of Salem, New Hampshire with the difference between the bid price and the price incurred on the open market.

**RIGHT TO REJECT BIDS:** The Town reserves the right to reject any and all sealed bids, should the Town deem it to be in the best interest of the public.

**INSURANCE CERTIFICATES:** The Proposer must supply a current insurance certificate before any work commences. See; Insurance requirements.

**PRICING:** Unless otherwise specified all prices listed are firm for the term of the contract. All prices should include all labor and material costs, and any discounts offered.

**DELIVERY:** Deliveries are to be made only to the department or division indicated on the order and in accordance with accepted commercial practices, without extra charge for packing or containers.

**GUARANTEES AND WARRANTIES:** All parts and labor related to agreements must be guaranteed and include a warranty. If any work is unable to be guaranteed, the contractor must inform the Town, in writing, prior to the delivery of an item or any work being performed.

**FORCE MAJEURE:** Neither party shall be liable for any inability to perform its' obligations under any subsequent agreement due to war, riot, insurrection, civil commotion, fire, flood, earthquake, storm or any other act of God.



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**Insurance Requirements**

A current Insurance certificate must be provided prior to commencing any work on this project, in the following amounts:

Comprehensive General Liability	
Combined single limit	\$ 1,000,000.00
Workmen's Compensation	
& Employers Legal Liability	\$ 500,000 per accident

The Contractor shall procure and maintain for the duration of this project Workmen's Compensation Insurance as required by State Law for all of his employees that are engaging in any work at the site of the project whether direct employees or subcontracting associates.

**Bond Requirements**

Each Sealed Bid shall be accompanied by a certified check or bid bond in the amount of (5%) of the total bid and made payable to the Town of Salem, New Hampshire. Said bond or certified check will be forfeited in the event that the form of contract is not executed. Bonds must be written by a company duly licensed to conduct business in the State of New Hampshire.

The successful bidder will be required to furnish a performance bond and a separate payment bond in the amount of one hundred percent (100%) of the proposal submitted.

**Non-Collusion Statement**

The Undersigned certifies under penalties of perjury that this bid in all respects is bonafide, fair and made without collusion or fraud with any other person. As used in this paragraph, the "PERSON" shall mean any natural person, joint venture, partnership, corporation or other business or legal entity.

Title \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_



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***33 Geremonty Drive***

***Salem, New Hampshire 03079***

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### **INDEMNIFICATION AGREEMENT**

The successful vendor agrees to indemnify, investigate, protect, defend and save harmless the Town of Salem, NH, it's officials, officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers and any other person, firm or corporation furnishing or supplying work, services, materials, equipment or supplies in connection with the performance of this contract and from any and all claims and losses accruing or resulting to any person, firm or corporation which may be injured or damaged by the vendor in the performance of this contract. In any case, the forgoing provisions concerning indemnification shall not be construed to indemnify the Town for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Town or its employees. This indemnification shall survive the expiration or early termination of this contract.

- Company \_\_\_\_\_
- Taxpayer Identification Number \_\_\_\_\_
- Authorized Signature \_\_\_\_\_
- Contact Phone \_\_\_\_\_
- Address \_\_\_\_\_
- Date \_\_\_\_\_



## TECHNICAL SPECIFICATION CHECKLIST

For each line item, the VENDOR must respond in one of the two columns. Only **ONE** column should have a response. VENDORS must additionally attach complete manufacturer/VENDOR specification sheets for the type of Generator included in the bid. The specifications indicated below are minimum requirements and may be exceeded wherever possible. Each bid response must include detail specifications of the equipment included in the bid.

<u>Column</u>	<u>Response</u>
Yes	“X” means that the vendor is clearly providing, supplying, including, and achieving the objective indicated without caveats, exclusions, or considerable modifications.
No	“X” means that the vendor is unable to provide, supply, include, and achieve the objective indicated without caveats, exclusions, or considerable modifications. If modifications in any form or extent are required then the vendor should respond with “Mod” and attach a narrative not exceeding one half of a page explaining the nature of those modifications.

### The VENDOR must supply the Generator Set as submitted in this sealed bid:

	<u>Required minimum specification</u>	<u>Yes</u>	<u>No</u>
	<b><i>100 KW Diesel Generator Set</i></b>		
1.	Nationally recognized brand name <i>manufacturer</i> unit to be CAT, Onans, Cummins or Kohler-no other unit) (Must be NRTL: UL Listed)  SPECIFY BRAND: _____		
2.	<input type="checkbox"/> Concrete Pad (approximately 8’x12’x1’ reinforced) elevates 2’ above current grade		
3.	<input type="checkbox"/> All trenching between building and generator location (approximately 200’) including asphalt saw cutting, removal & proper disposal, sand backfill, compaction and asphalt replacement.		
4.	<input type="checkbox"/> Provide and install the 100kW diesel generator (unit to be CAT, Onans, Cummins or Kohler-no other unit) to contain 48-hour double walled base tank, sound attenuated (no more than 75db at 7 meters) all UL 142, 2200 and NFPA 110 requirements. Generator to contain one circuit breaker (400 amps, 3 pole). Generator to contain battery charger, block heater and sub base tank leak detection monitoring.		
5.	<input type="checkbox"/> Install a 400 amp, 3 pole, 4 wire, 3 phase, NEMA 3R service rated automatic transfer switch. Switch to be manufactured by ASCO, Kohler, Cutler Hammer or Russ Electric in the existing electric room. Take care to meet all clearances as required by NEC110-26.		

	<b><u>Required minimum specification</u></b>	<b><u>Yes</u></b>	<b><u>No</u></b>
6.	<input type="checkbox"/> Install service rated disconnects (1) 400amp three phase, 250 volt, NEMA 3R either at the generator or on the side of the building prior to the automatic transfer switches.		
7.	<input type="checkbox"/> Provide portable generator for standby power to facilitate removal of existing generator.		
8.	<input type="checkbox"/> Remove and dispose of old generator. Disconnect natural gas and remove old ATS.		
9.	<input type="checkbox"/> Install 1 spare 2" PVC conduit from generator to building		
10.	<input type="checkbox"/> Install feeder from generator to service rated disconnects, from disconnects to automatic transfer switches and all related wiring to make the existing fire station fully automatic. This includes start leads, battery charger, block heater and remote annunciator wiring.		
11.	<input type="checkbox"/> Remote annunciator to be located in dispatch.		
12.	<input type="checkbox"/> Provide Initial tank of fuel		
13.	<input type="checkbox"/> Generator and ATS to have a minimum 1 year warranty		
14.	<input type="checkbox"/> Provide stamped engineered drawings.		
15.	<input type="checkbox"/> Provide 2-hour building load test with SFD representative present		
16.	<input type="checkbox"/> Provide 4-hours of owner training		
17.	<input type="checkbox"/> Provide minimum 1 year guarantee on parts and labor for all work, generator and ATS		
18.	<input type="checkbox"/> All permits and inspections		
19.	<input type="checkbox"/> Contractor shall be responsible to call DIG SAFE		
20.	<input type="checkbox"/> Install Protective Bollards at the ATS location and the generator		
21.	<input type="checkbox"/> Provide 5 LED exit signs w/ battery backup and remote heads. 5 EBU's to allow for the generator to be considered a Level II Installation. Devices placed at SFD direction.		



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**REFERENCE LIST**

PROJECTS WITHIN THE PAST TEN YEARS BEST ILLUSTRATING CURRENT  
QUALIFICATIONS FOR THIS PROJECT:

PROJECT NAME, LOCATION & DESCRIPTION	YEAR	PROJECT COST	PHASES Complete or In Progress	REFERENCES NAME TITLE PHONE

**FORM OF AGREEMENT**

THIS AGREEMENT, Made this \_\_\_\_ day of \_\_\_\_ 2011 by and between the Town of Salem, NH herein  
called “**CLIENT**” and \_\_\_\_\_ called “**CONTRACTOR**” agrees to perform professional services

and provide a "Standby Power Generator" at the Salem Fire Department (152 Main Street, Salem NH) as specified in Sealed Bid-300

The **CONTRACTOR** hereby proposes to provide all services, materials, labor, equipment, and miscellaneous supplies required to install the proposed Standby Power Generator at the Salem Fire Department (152 Main Street, Salem NH) in strict accordance with the technical specifications provided.

The **CONTRACTOR** agrees to furnish and install (1) one 100KW Diesel Gen-Set per specifications. The generator manufacturer will be \_\_\_\_\_ as specified in the Form for General Bid.

The **CONTRACTOR** agrees to perform all of the work described in the technical specifications and comply with the terms therein for the sum of \_\_\_\_\_, as shown in the Form for General Bid.

The **CONTRACTOR** agrees to all terms and conditions specified in sealed bid 300;

Invitation to Bid / Notice to Qualified Firms

Specification Exception / Form for General Bid

Technical Specifications / Insurance Requirements

Bid Bond/Payment/Performance Requirements / Non-collusion Statement

General Terms and Conditions / Indemnification Agreement

The **CONTRACTOR** hereby agrees to **commence** work/services/labor and furnish appropriate materials /equipment specified in the Form for General Bid on or before:

\_\_\_\_\_  
The **CONTRACTOR** hereby agrees to **complete** work/services/labor and furnish appropriate materials /equipment specified in the Form for General Bid on or before:

**CONTRACTOR:**

Title \_\_\_\_\_

By: \_\_\_\_\_

(Authorized Representative)

Date: \_\_\_\_\_

**CLIENT:**

Title \_\_\_\_\_

By: \_\_\_\_\_

(Authorized Representative)

Date: \_\_\_\_\_

# Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ ..... <input type="checkbox"/> Other (see instructions) ▶	<input type="checkbox"/> Exempt payee
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	
List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
OR
Employer identification number

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,