

Performance Contract Instructions

When is a contract required?

Anytime you are paying someone to provide a service, including, but not limited to:

- Performers (DJs, Comedians, Musicians)
- Speakers
- Massage Therapists
- Activity Vendors
- Printing/Publications

If an artist or agency does not have a contract available, student organizations may use the sample contract on the next pages.

Important Notes:

- Never verbally agree to anything when talking to vendors or performers.
- If there are items required beyond what is on the contract, it is important to include them in the “additional conditions” text box on the contract.
- It is up to the Office of Student Leadership and Activities to negotiate on the behalf of the organization once the contract is received.
- While an organization representative’s name is required on the contract, the only person who has signing authority for the Division of Student Life (including student organizations) is the Dean for Students, Sarah Neill.
- Do not sign any document given to you by an artist or agency before discussing it with a professional staff member from the Office of Student Leadership and Activities.
- Any contract other than the standard Office of Student Leadership and Activities contract on the attached page will also need to be reviewed by the College Counsel. This will add additional time to the contract review process.

Payment Terms

- The person being paid (or representative for the company being paid) must be the one to sign the contract and submit payment paperwork (W-9, Vendor Registration Form). If there is a discrepancy between the person filling out the contract and the person who should be paid, this will delay payment.
- Typical payment terms are 30-60 days after the event unless otherwise specified.
- On the contract, specify if the payment is due 10 business days after the event (standard for student organizations) or on the day of the event (in which case, make sure that you submit the contract and paperwork with enough advance notice).

Contract Timelines

- If using the standard performance contract, please submit the contract and any additional paperwork no less than **2 weeks in advance of the event**.
- If using another contract (submitted by the artist or agent), please submit the contract and any additional paperwork no less than **3 weeks in advance of the event**.

Additional Paperwork

If this is an artist or group who has not been paid by Simmons before, you will also need to submit the following forms. If the performer does not want to send you this paperwork directly, they must fax it directly to the Purchasing and Accounts Office, but should specify that the information should be shared with the Office of Student Leadership and Activities. (Note: please indicate this when you submit the paperwork to OSLA).

- W-9 – this needs to be filled out by the person or company being paid. **This is the MOST important form, and is needed for tax purposes.**
- Vendor Registration form: this form is what puts the vendor into the Simmons database in order to get paid, and contains the following sections. The vendor should fill out all of the required sections (Section I and IV) and make sure to sign and date the form.
 - **Section I: General Vendor/Individual Information (REQUIRED)**
 - **Section II: Remit Locations:** please indicate if there is a difference between the address of the company, and the address the payment should be sent to. Typically, this is not necessary for vendors who work with Simmons student organizations.
 - **Section III: Payment Terms:** College payment terms are 60 days from the date of invoice unless otherwise specified in a signed contract
 - **Section IV: Federal Tax Identification Number.** Most individual performers are considered a “sole proprietorship” and should submit their Social Security Number. **(REQUIRED)**
 - **Section V: Business Classification:** this is for statistical purposes.
 - **Section VI: Other:** This sections not necessary for vendors who work with student organizations
 - **Section VII: Simmons College Account Number (If Applicable):** Not applicable for student organization vendors.

PERFORMANCE CONTRACT

This contract is for the personal services of _____ on the engagement described below, made this ____ day of _____, 20____ between the undersigned presenter and _____ (herin called the Artist). The Artist is engaged severally on the terms and conditions on the face hereof. The leader represents that the other members of the group have agreed to be bound by said terms and conditions. The Artists severally agree to render services under the undersigned leader.

Print name of Band, Group or Performer: _____

Name & Address of place of engagement: _____

Date of engagement: _____

Type of engagement: _____

(Specify dance, concert, etc.)

Length of engagement : _____

(Include length & number of breaks)

Artist(s) report to: _____ Phone: _____

Artist Fee: _____

Payment: Presenter will make payment by Simmons issued check _____

Additional payment terms: _____

The agreement of the Presenter is subject to proven detention by accidents, riots, strikes, epidemics, acts of God, or any other legitimate conditions beyond the control of the Presenter. By signing this contract, the Artist agrees to perform at said performance at said time.

Print Artist/Manager's Name

Print Presenter's Organization (not an authorized signer)

Signature of Artist/Manager

Print Presenter's Organization Representative (not an authorized signer)

Artist SSN#/Employer ID number (for company)

Designated Institutional Representative (OSLA) (not an authorized signer)

Street Address, Apartment #

Designated Institutional Representative (Dean of Students)

City, State, Zip

Additional Conditions:

Phone Number/Alternate Phone Number

Copies: Artist, Purchasing & Accounts Payable, Office of Student Leadership & Activities, Student Organization
Artist is responsible for reporting and paying all employment taxes

This person been paid by Simmons before. (If not, leave unchecked and fill out the Vendor Registration Form and W-9.)

studentactivities@simmons.edu
617-521-3148 (Fax)

SIMMONS COLLEGE
VENDOR REGISTRATION/TIN CERTIFICATION/PAYEE REGISTRATION FORM

Accounts Payable Office
300 The Fenway, Boston, MA 02115
Phone: 617-521-2066 Fax: 617-521-2065

Dear Vendor / Individual:

Our records indicate that we do not have a current **Vendor Registration/TIN Certification or Payee Registration Form** on file for you/your company. Please complete this form and return it along with your W-9 form to 617-521-2065 or mail to the above address at your earliest convenience. Thank you for your cooperation.

SECTION I: GENERAL VENDOR/INDIVIDUAL INFORMATION

Vendor/Individual Name _____
Show name as registered with the Internal Revenue Service or Social Security Administration

Company Name – DBA* (if different from above) _____

Address _____ State _____ Zip _____

Telephone Number (____) _____ - _____ Ext. _____ Fax (____) - _____ - _____

E-mail address " _____

Name of Company President _____

SECTION II: REMIT LOCATIONS

Order From: _____ Remit To: _____

City _____ State _____ Zip _____ City _____ State _____ Zip _____

SECTION III: PAYMENT TERMS

College payment terms are 60 days from the date of the invoice
Please provide your discount terms if shorter payment period is requested:
 Discount of _____% - If paid within _____ days.

IV: FEDERAL TAX IDENTIFICATION NUMBER

Sole Proprietorship Partnership Corporation Other _____

Employer Identification Number (EIN) (This number is also known as Federal Employer Identification Number (FEIN) -

Or

Social Security Number (SSN)/
U.S. Taxpayer Identification Number (ITIN) - -

Federal law requires Simmons to provide Taxpayer Reporting Information (1099/1024S forms) to the Federal Government and the payee on certain types of payments. When reporting such information, please identify which address you wish Simmons to mail information to:

Order from Remit to

SECTION V: BUSINESS CLASSIFICATION - CHECK ALL THAT APPLY

Service Small Business Manufacturing Construction Disability
Black Asian-American Hispanic American Indian/Alaskan Native
Minority Owned Woman Owned Other (please specify: _____)

If Special Classification Applies, Please Supply Copy of Certificate from State or Other Accredited Agency.

SECTION VI: OTHER

Do you accept Purchasing Cards? Yes No

Will you have ACH capabilities in the next 12 months? Yes No

SECTION VII: SIMMONS COLLEGE ACCOUNT NUMBER - (IF APPLICABLE)

Under penalties of perjury, I certify that the number shown on this form is the correct Taxpayer Identification Number and the responses provided therein are true and accurate. I am not subject to backup withholding due to failure to report interest and dividend income.

SIGNATURE _____

NAME (PLEASE PRINT) _____ DATE _____

TITLE (PLEASE PRINT) _____

FOR PURCHASING & ACCOUNTS PAYABLE DEPARTMENT ONLY:

VIE # _____ CHECK ONE: MODIFY _____ ADD _____

ALIAS NAMED: _____

REQUEST DATE _____ PUR/AP INITIALS _____ DATE ENTERED _____ ENTERED BY _____

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"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
	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:

1. 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
2. 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
3. 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.

Sign Here	Signature of U.S. person ▶	Date ▶
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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:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. 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,