

**INVITATION TO BID**  
**2016 UPLAND WIREGRASS TUBELING BID**  
**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**(BID NUMBER 16B-004)**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-4712, will receive sealed bids up to 2:30 P.M. EDT on March 22, 2016, for growing, extracting and supplying 179,080 upland (sandhill habitat) wiregrass tubelings (plugs). The selected vendor will utilize upland wiregrass seed provided by the District (cleaned/tested) that has been harvested from sandhill habitat. Wiregrass seed provided by the District has been tested by the USDA Forest Service National Seed Laboratory for viability and the preliminary results of these tests are provided herein. Final National Seed lab test results will be provided to the selected vendor before contract execution.

All bids must conform to the instructions in the Invitation to Bid (ITB). Interested prospective bidders may obtain a copy of the complete ITB package at the above address, by calling (850) 539-5999 or visiting our web site at [www.nwfwater.com](http://www.nwfwater.com) or the state Vendor Bid System through the BUSINESS link at MyFlorida.com.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice.

All bids must comply with applicable Florida Statutes.

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## **GENERAL INFORMATION**

### **PART I**

#### **1-1 DEFINITIONS**

For the purpose of this Invitation to Bid, "bidder" shall mean contractors, vendors, consultants, respondents, organizations, firms or other persons submitting a response to this Invitation to Bid.

#### **1-2 PURPOSE**

This Invitation to Bid provides guidelines for the submission of bids for the project entitled:

#### **2016 Upland Wiregrass Tubeling Bid**

#### **1-3 ISSUING OFFICE, DATE AND LOCATION OF BID OPENING**

Division of Land Management and Acquisition  
Northwest Florida Water Management District  
81 Water Management Drive  
Havana, Florida 32333-4712

Hereinafter referred to as the "District"

**THE DISTRICT MUST RECEIVE ALL BIDS BY 2:30 P.M. EDT  
ON MARCH 22, 2016.**

#### **1-4 INVITATION TO BID**

The District solicits offers for the services of responsible bidders to grow, extract and supply the District with **179,080** upland (sandhill habitat) wiregrass tubelings (plugs) in January or February 2017. The selected vendor will utilize District provided upland wiregrass seed that was machine collected during November and early December 2015. The District will pick up all wiregrass tubelings (plugs) at the nursery.

#### **1-5 CONTRACT AWARDS**

The District anticipates entering into a contract with the bidder who submits the bid judged by the District to be most advantageous. The District anticipates awarding one contract, but reserves the right to award more than one if it is in its best interest.

The bidder understands that this Invitation to Bid does not constitute an agreement or a contract with the District. An official contract or agreement is not binding until bids are reviewed and

accepted by appointed staff, approved by the appropriate level of authority within the District, and both parties have executed the contract or agreement.

The District reserves the right to reject any and all bids, to negotiate with the apparent low bidder, to waive any informalities of a minor nature, and to solicit and re-advertise for other bids. Mistakes clearly evident on the face of the bid documents, such as computation errors, may be corrected by the District.

All bids are subject to the approval of the Northwest Florida Water Management District Governing Board at a duly noticed Board meeting.

Notice of a contract award shall be posted on the District's website at [www.nwfwater.com](http://www.nwfwater.com) and the state Vendor Bid System through the BUSINESS link at Myflorida.com. Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, shall constitute a waiver of the proceedings under Chapter 120, Florida Statutes.

#### **1-6 DEVELOPMENT COSTS**

Neither the District nor its representatives shall be liable for any expenses incurred in connection with the preparation of a response to this Invitation to Bid. Bidders should prepare their bids simply and economically, providing a straightforward and concise description of the bidders' ability to meet the requirements of the Invitation to Bid.

#### **1-7 INQUIRIES**

The District encourages interested parties to contact the District to discuss this Invitation to Bid. William O. Cleckley, Project Manager, will receive questions concerning this bid (850) 539-5999, from 8:30 A.M. to 5:00 P.M. ET weekdays, from the date of this release to 5:00 P.M. EDT on Tuesday, March 15, 2016. The District will provide written answers to substantive questions on the District's website at [www.nwfwater.com](http://www.nwfwater.com) as well as post the written answers to substantive questions on the state's Vendor Bid System at

[http://www.myflorida.com/apps/vbs/vbs\\_search.criteria\\_form](http://www.myflorida.com/apps/vbs/vbs_search.criteria_form)

The District will provide written answers to substantive questions received at least seven calendar days before the bid opening date.

#### **1-8 TIMETABLE**

The District and bidders shall adhere to the following schedule in all actions concerning this Invitation to Bid.

A. On February 25, 2016, the District issues the Invitation to Bid.

- B. From February 25, 2016, to 5:00 P.M. EDT on March 15, 2016, the District will receive and answer inquiries (received by email or mail). Any questions a bidder may have must be asked during this question and answer period. Answers to substantive questions will be posted on the District's website at [www.nwfwater.com](http://www.nwfwater.com) as well as the state's Vendor Bid System at [http://www.myflorida.com/apps/vbs/vbs\\_www.search.criteria\\_form](http://www.myflorida.com/apps/vbs/vbs_www.search.criteria_form). Any substantive questions received regarding this solicitation after 5:00 P.M. EDT on March 15, 2016 will not be answered.
- C. The District must receive the bids by 2:30 P.M. EDT opening time on March 22, 2016.
- D. From opening time the District will review and evaluate the bids on a timely basis.
- E. The District may enter into a contract after conducting negotiations and obtaining appropriate approvals.

### **1-9 DELAYS**

The District may delay scheduled due dates if it is to the advantage of the District to do so. The District will notify bidders of all changes in scheduled due dates by posting a notice on the District's website at [www.nwfwater.com](http://www.nwfwater.com) as well as the state's Vendor Bid System at [http://www.myflorida.com/apps/vbs/vbs\\_www.search.criteria\\_form](http://www.myflorida.com/apps/vbs/vbs_www.search.criteria_form).

### **1-10 BID SUBMISSION AND WITHDRAWAL**

The District will receive bids at the following address:

Northwest Florida Water Management District  
Attn: Agency Clerk  
81 Water Management Drive  
Havana, Florida 32333-4712

**To facilitate processing, the face of the envelope shall state in capital letters: "SEALED BID ON BID NUMBER 16B-004 TO BE OPENED MARCH 22, 2016 AT 2:30 P.M. EDT AT THE HEADQUARTERS OF THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT."**

**The envelope shall also include the bidder's return address. Envelopes received but not properly marked will not be considered.**

Bidders shall submit one copy of the bid in a sealed, opaque envelope marked as noted above. The bidder may submit the bid in person, by courier, or by mail.

**THE DISTRICT MUST RECEIVE ALL BIDS BY 2:30 P.M. EDT ON  
MARCH 22, 2016.**

Bids received after the established deadline will not be considered. The District cautions bidders to assure actual delivery of mailed or hand delivered bids **directly to the District's Receptionist or Division of Administration** prior to the deadline set for opening bids. Bidders are also cautioned that the District does not always receive U.S. mail delivery by 2:30 P.M. EDT each day; any bids received by mail after 2:30 P.M. EDT on March 22, 1016 will not be considered. Telephone confirmation of timely receipt of the bid may be made by calling (850) 539-5999 before bid opening time.

Receipt of a bid by any District office or personnel other than the District receptionist or the Division of Administration does not constitute "delivery" as required by this Invitation to Bid.

Bidders may withdraw their bid by notifying the District in writing at any time prior to the opening. Bidders may withdraw their bids in person or through an authorized representative. Bidders and authorized representatives must disclose their identity and provide a signed receipt for the bid. Bids, once opened, become the property of the District and will not be returned to the bidders.

Upon opening, bids become "public record" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes. Bidders must invoke the exemptions to disclosure provided by law in the response to the Invitation to Bid by providing the specific statutory authority for the claimed exemption, identifying the data or other materials to be protected, and stating the reasons why such exclusion from public disclosure is necessary.

Bids will be made available for inspection at the time the District posts notice of its decision or intended decision concerning contract awards, or ten (10) days after the bid opening, whichever is earlier.

#### **1-11 PERFORMANCE BOND**

A performance bond will not be required from the Vendor.

#### **1-12 ADDENDA**

If revisions become necessary, the District will provide written addenda to all prospective bidders who requested a paper copy of the Invitation to Bid. The written addenda will also be posted on the District's internet website and on the State of Florida's Vendor Bid System website. **All addenda issued by the District will include a receipt form, which must be signed and included with any bids that are submitted to the District. In the event that multiple addenda are issued, a separate receipt for each addendum must be included with the bid at the time it is submitted to the District.** Prospective bidders are responsible for determining whether addenda have been issued and are advised to check the websites or with the District's project manager prior to submitting their bid.

### **1-13 EQUAL OPPORTUNITY**

The District recognizes fair and open competition as a basic tenet of public procurement. Bidders doing business with the District are prohibited from discriminating on the basis of race, color, creed, national origin, handicap, age or sex.

It is the policy of the District to ensure that qualified bidders wishing to participate in the procurement process have the maximum opportunity to compete and perform on District contracts.

The District encourages participation by minority and women business enterprises (MBE/WBE) and requests MBE/WBEs to submit evidence of such designation with their bids. For further information on designation as a minority business enterprise, prospective bidders may contact the District's Finance Office at (850) 539-5999.

### **1-14 ORAL PRESENTATIONS**

At its discretion, the District may require any bidder to make an oral presentation of the bid. These presentations provide an opportunity for the bidder to clarify the bid for the District. The District will schedule any such presentations.

### **1-15 NEWS RELEASES**

The bidder shall obtain the prior approval of the District for all news releases or other publicity pertaining to this Invitation to Bid or the service, study or project to which it relates.

### **1-16 PUBLIC ENTITY CRIME**

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

### **1-17 DISCRIMINATORY VENDOR LIST**

An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier,

subcontractor, or contractor under a contract with any public entity; and may not transact business with any public entity.

### **1-18 PROHIBITED CONTACT**

Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

### **1-19 INSPECTOR GENERAL COOPERATION**

Prospective contractor or vendor understands and shall comply with section 20.055(5), Florida Statutes, which states: "It is the duty of every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing pursuant to this section."

### **1-20 VENDOR CHECKLIST**

- ☐ Have you performed a final review of your bid to ensure you included all required documentation?
- ☐ Have you verified all amounts to ensure that they are complete and accurate?
- ☐ Have you signed the Acknowledgment form on page 14 and included it in your package?
- ☐ Have you completed the Bid Sheet form on page 16 and included it in your package?
- ☐ **IS YOUR ENVELOPE PROPERLY MARKED?** See page 5 of this ITB for further details. (Most rejected bids are caused by the respondent failing to properly mark their package. All incoming correspondence is opened when received unless properly marked for a specified opening date and time. If your bid is opened prior to the designated date and time, it cannot be considered).
- ☐ Have you selected the method of shipping that will ensure that your response will arrive before the deadline? Responses received after the date and time specified will not be considered.



## SCOPE OF SERVICES

### PART II

The Northwest Florida Water Management District will select one vendor to grow, extract and supply the District with 179,080 upland (sandhill habitat) wiregrass tubelings (plugs) for planting activities during the District's 2017 fiscal year. Purchase of the upland wiregrass tubelings will be subject to available District funds and approval by the District's Governing Board of the District's proposed fiscal year 2016-2017 budget. The contract will require that the vendor agree to place highest priority on completing the District assignment in a timely fashion. This vendor will be required to enter into an agreement with the District. The agreement is for a one-year term and will end no later than April 30, 2017.

The Vendor will utilize District provided seed which was mechanically collected in November and early December 2015 and is undergoing seed testing at the USDA Forest Service National Seed Laboratory (see attached preliminary test results).

Minimum District longleaf pine tubeling quantities and specifications are listed below.

#### **2016 Upland (Sandhill Habitat) Wiregrass Tubelings**

<b>Agreement Year</b>	<b>Anticipated Delivery</b>	<b>Common Name</b>	<b>Genus species</b>	<b>Planting Stock Age</b>	<b>Minimum Quantity Required</b>
FY 2016-2017	Jan. – Feb. 2017	Wiregrass	Aristida species *	1-0	179,080

\* Consists of a mixture of predominately *Aristida mohrii*, but may contain lesser amounts of *A. palustris*, *A. purpurescens* v. *purpurescens* and *A. purpurescens* v. *tenuispica*, *A. spiciformis* and *A. beyrichiana*.

#### **I. Wiregrass Tubeling (Plug) Specifications**

- A. All of the wiregrass tubelings (plugs) **must** be 1-0 tubeling stock as specified above; have a minimum plug length of  $\geq 4$  inches; and must be plantable using a standard dibble planting bar or equivalent planting device.
- B. The District's required wiregrass tubelings (plugs) will be planted on sandhill habitat consisting primarily of Lakeland soils.
- C. Seed used to produce the District's required wiregrass tubelings will be provided by the District.

- D. Wiregrass tubelings (plugs) must have sufficient root mass to make each tubeling cohesive, i.e. tubelings do not disintegrate upon gentle handling.
- E. The successful Vendor may apply mycorrhiza inoculate to the District's wiregrass tubelings (plugs) while being grown in the nursery **at its own cost**, but mycorrhiza inoculation is not required by the District.
- F. Wiregrass tubelings (plugs) must be adequately watered at least within one day (24 hours) prior to extraction and boxing for shipment.
- G. All wiregrass tubelings (plugs) must be free from insect pests and disease that adversely effects growth and survival.
- H. All wiregrass tubelings (plugs) must be free from weeds and other undesirable plants that may adversely affect growth and survival.
- I. All wiregrass tubelings (plugs) must meet or exceed Florida nursery specifications for plant material as required by state law and the Florida Nursery Association.

## II. Wiregrass Tubeling (Plug) Delivery Schedule

The selected vendor will have to prepare for the extraction and pick up of the wiregrass tubelings by the District between January 3, 2017 through February 28, 2017 in accordance with the schedule below:

District Fiscal Year	Delivery Schedule
2016 - 2017	Between January 3, 2017 and February 28, 2017

## III. Wiregrass Viability – USDA Forest Service National Seed Laboratory Test Results

In November and early December 2015, a private contractor mechanically collected; hand cleaned; and provided the District with approximately 18 pounds of upland (sandhill habitat) wiregrass seed. Preliminary seed test results from the USDA Forest Service National Seed Laboratory list a seed purity analysis of 30.05 percent and a TZ test result of 49 percent (see attached test result). Based on the above seed test results, plus forthcoming germination test results provided by the National Seed Lab before contract execution, **the selected nursery vendor shall provide the District with the anticipated number of pounds of upland wiregrass seed required, plus an additional 10 percent overage, to sow and produce the District's required number of upland wiregrass tubelings.** Nonetheless, the District does not guarantee the accuracy or validity of the National Seed Lab seed testing results nor the methodology used to obtain them. The preliminary upland wiregrass seed test results provided by the National Seed Lab to prospective vendors is for informational purposes only.



# USDA Forest Service, National Seed Laboratory

5675 Riggins Mill Road

Dry Branch, GA 31020

## Laboratory Report Of Analysis



Northwest Florida Water  
Management District  
81 Water Management Drive  
Havana, FL 32333-4712

Account No.	Date Received	Date Completed	Lab Number
1120	01/28/16	Incomplete	16-0978

### Information Provided by Sender

Variety VNS  
Kind wire grass  
Genus/Species *Aristida stricta*  
Lot Number KAMMER TRACT  
Class Service

Purity Analysis			Viability Analysis				
Component	in 2.2054 grams	Purity	Germ Date	Germ	Dormant	Hard	Viable
wire grass <i>Aristida stricta</i>		30.05%	-N-	-N-	-N-	-N-	-N-
	Weed seed	0.00%					
	Crop seed	4.53%					
	Inert matter	65.42%					
Other Crop Seeds			None Found				
			For: USA				
			(P)Prohibited Noxious (R)Restricted Noxious				
Weed Seeds			None Found				
			Other Determinations				
			TZ test wire grass 49 %				
			Seed count 580226 Seeds/lb				
			Moisture 9.02 %				

### Remarks

Pretreatment for Germ Test: none

Status: Incomplete

Tests Requested: Germination, Moisture, Purity, Seed count, TZ test. No other tests requested.

WARRANTY: We warrant that the purity and germination test results reported on this form have been carried out in accordance with AOSA rules unless otherwise specified. Test results reflect the condition of the submitted sample and may not reflect the condition of the seed lot from which the sample was taken.

DISCLAIMER OF WARRANTIES: WE MAKE NO OTHER WARRANTIES OF ANY KIND, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Signature: -Preliminary Report-

Victor Vankus, Botanist

## INSTRUCTIONS FOR PREPARING BIDS

### PART III

#### **3-1 RULES FOR BIDS**

##### A. COMPLIANCE

All bids must comply with applicable Florida Statutes, laws and rules.

##### B. BID ENVELOPE REQUIREMENTS

One copy of the bid must be submitted in a sealed opaque envelope. The face of the envelope shall state in capital letters:

**"SEALED BID ON BID NUMBER 16B-004 TO BE OPENED MARCH 22, 2016, 2:30 P.M. EDT AT THE HEADQUARTERS OF THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT."**

##### C. BID DELIVERY RESPONSIBILITIES

It is the bidder's responsibility to ensure that his/her bid is delivered at the proper time and place of the opening. Bids which for any reason are not so delivered will not be considered. Bids by telegram or telephone will not be acceptable. The Northwest Florida Water Management District is located in the Eastern Time Zone, approximately ten (10) miles west of Tallahassee on U.S. Highway 90.

##### D. DISTRICT FORMS

When included, all bids shall be submitted on forms supplied by the Northwest Florida Water Management District.

##### E. PERFORMANCE BONDS

A performance bond will not be required from the Vendor.

##### F. QUALITY CONTROL

All upland wiregrass tubelings (plugs) will be inspected and approved by District staff when picked up at the nursery. Any and all upland wiregrass tubelings (plugs) deemed unsatisfactory for planting by the District's project manager and/or his representative will not be accepted and will be returned to the Vendor at no cost to the District. The Vendor will be required to replace all unsatisfactory wiregrass tubelings (plugs) at no additional cost to the District. Payment for all unsatisfactory wiregrass tubelings (plugs) will be withheld by the District.

#### G. CONFLICT OF INTEREST

The award hereunder is subject to Chapter 112, Florida Statutes. All bidders shall disclose with their bids the name of any officer, director, board member or agent who is also an employee of the State of Florida, or any of its agencies. Further, all bidders shall disclose the name of any state employee or any governing board member or employee of the District who owns directly or indirectly an interest of ten percent (10%) or more in the bidder's firm, subsidiaries or branches.

#### H. TAX EXEMPT

The District is not subject to Florida sales tax or to any federal excise taxes on all sales made directly to the District. The District's tax exemption status shall in no way be used by the selected vendor to satisfy the terms of the bid or resulting agreement.

The District is not subject to Florida sales tax or to any federal excise taxes on all sales made directly to the District, and neither shall be included in the bid price. Tax exemption forms will be supplied to the successful bidder upon request.

#### I. TRANSPORTATION

Any transportation or other charges incurred in the delivery of the product or service as specified must be included in the bid price.

#### J. COSTS

All costs whether direct or indirect which will be ultimately paid by the District must be included in the total price. Any indirect, overhead, surcharge, profit margin or other such costs, however named, must be included within the proposal price.

#### K. TIE BIDS

Per District policies and procedures, if two equal responses to a solicitation or a request for quote are received and one response is from a certified minority business enterprise, the District shall enter into a contract with the certified minority business enterprise. If this does not resolve the identical proposals, Rule 60A-1.011 F.A.C will take precedence.

### **3-2 BIDDER ACKNOWLEDGMENT**

I, the undersigned, having read Parts I through V of this Invitation to Bid, **BID NUMBER 16B-004** and having a comprehensive understanding of all provisions, rules, requirements, restrictions, etc. contained herein, agree to same and respectfully submit the bid contained herein.

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Authorized Signature

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Position or Title

---

Printed or Typed Name of Above Signature

---

Agency or Company

Unsigned bids may be rejected by the Agency Clerk of the Northwest Florida Water Management District.

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April Murray, Agency Clerk  
Northwest Florida Water Management District

## **EVALUATION OF BIDS**

### **PART IV**

#### **4-1 EVALUATION METHOD AND CRITERIA**

##### **2016 Upland Wiregrass Tubeling Bid**

The District will award the 2016 Upland Wiregrass Tubeling (Plug) Bid based upon the lowest price per thousand bid for providing the District with 179,080 upland wiregrass tubelings to be picked up by the District. Only one vendor will be selected to supply the District with the required wiregrass tubelings for the one-year term of the agreement

#### 4-2 **BID SHEET**

##### 2016 Upland Wiregrass Tubeling Bid Sheet

<b><u>Common Name</u></b>	<b><u>Quantity Desired</u></b>	<b><u>Price/M*</u></b>	<b><u>Total Cost</u></b>
Upland Wiregrass (Sandhill Habitat)	<u>179,080</u>	\$ _____	\$ _____

\* District provided seed and vendor will sow, grow, extract and supply the above required upland wiregrass tubelings (plugs) at the stated price per thousand.

**Note:** A District representative will pick up the required wiregrass tubelings (plugs) and inspect/approve for planting based on the specifications listed in Part II, Scope of Services. Any wiregrass tubelings (plugs) deemed unacceptable for planting by the District's representative will be returned to the vendor for replacement with acceptable wiregrass tubelings (plugs). The District will withhold payment for all unsatisfactory tubelings.

I certify that this bid is made without subsequent understanding, agreement or connection with any corporation, firm, or person submitting a bid for the upland wiregrass seed, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this bid and certify that I am authorized to sign this bid for the Bidder and that the Bidder is in compliance with all requirements of the Invitation to Bid.

_____ Bidder Signature	_____ Date
_____ Bidder Name (Print or Type)	_____ Company Name
_____ Bidder Title	_____ Address
_____ Area Code Telephone Number	_____ City State Zip
_____ E-mail Address	_____ Federal Employers Identification (FEID#) (Use SS # if no FEID #)



## **DRAFT 2016 UPLAND WIREGRASS TUBELING AGREEMENT**

### **PART V**

#### **5-1 DRAFT 2016 UPLAND WIREGRASS TUBELING AGREEMENT**

Please see the attached draft Agreement. This agreement is subject to change subsequent to final internal review.

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT**  
**AGREEMENT**

**2016 UPLAND WIREGRASS TUBELINGS**

This Agreement is made this \_\_\_ day of \_\_\_\_\_, 2016, by and between the Northwest Florida Water Management District (hereinafter called the "District"), and **<INSERT VENDOR NAME>** (hereinafter called the "Vendor"). The District and the Vendor agree as set forth below:

**ARTICLE 1**

Contract Documents

The contract documents which make up this Agreement consist of this Agreement document, Invitation to Bid, technical specifications, all addenda issued prior to the execution of this Agreement, the bid submitted by the Vendor, and all modifications issued subsequent thereto. These documents are part of this agreement as if attached to this Agreement, whether or not they are actually attached.

**ARTICLE 2**

Description of Services

**2016 Upland Wiregrass Tubelings (Plugs)**

Vendor will grow, extract and supply the District with 1-0 upland (sandhill habitat) wiregrass tubelings in the quantity described below. The Vendor must utilize District provided wiregrass seed.

**ARTICLE 3**

Terms of Agreement

The growing, extracting and supply of upland wiregrass tubelings will be subject to available District funds and approval by the District's Governing Board of the District's proposed fiscal year 2016-2017 budget. Vendor shall extract and prepare the upland wiregrass tubelings for pick up by the District in accordance with the schedule below. This Agreement will terminate no later than April 30, 2017.

A performance bond will not be required from the Vendor. All wiregrass tubelings will be inspected and approved by District staff at time of pick up. Any and all wiregrass tubelings deemed by the District's project manager and/or his representative to be unsatisfactory for planting will not be accepted by the District. The Vendor will be required to replace all

unsatisfactory wiregrass tubelings at no additional cost to the District. The District will withhold payment for all unsatisfactory tubelings.

## ARTICLE 4

### Technical Specifications

#### Upland (Sandhill Habitat) Wiregrass Tubelings

Agreement Year	Anticipated Delivery	Common Name	Genus species	Planting Stock Age	Minimum Quantity Required
2016 - 2017	Jan. 2017 – Feb. 2017	Wiregrass	Aristida species*	1-0	179,080

\* Consists of a mixture of predominately *Aristida mohrii*, but may contain lesser amounts of *A. palustris*, *A. purpurescens* v. *purpurescens* and *A. purpurescens* v. *tenuispica*, *A. spiciformis* and *A. beyrichiana*.

#### **I. Wiregrass Tubeling (Plug) Specifications**

- A. All of the wiregrass tubelings (plugs) **must** be 1-0 tubeling stock as specified above; have a minimum plug length of  $\geq 4$  inches; and must be plantable using a standard dibble planting bar or equivalent planting device.
- B. The District's required wiregrass tubelings (plugs) will be planted on sandhill habitat consisting primarily of Lakeland soils.
- C. Seed used to produce the District's required wiregrass tubelings will be provided by the District.
- D. Wiregrass tubelings (plugs) must have sufficient root mass to make each tubeling cohesive, i.e. tubelings do not disintegrate upon gentle handling.
- E. The successful Vendor may apply mycorrhiza inoculate to the District's wiregrass tubelings (plugs) while being grown in the nursery **at its own cost**, but mycorrhiza inoculation is not required by the District.
- F. Wiregrass tubelings (plugs) must be adequately watered at least within one day (24 hours) prior to extraction and boxing for shipment.
- G. All wiregrass tubelings (plugs) must be free from insect pests and disease that adversely effects growth and survival.

- H. All wiregrass tubelings (plugs) must be free from weeds and other undesirable plants that may adversely affect growth and survival.
- I. All wiregrass tubelings (plugs) must meet or exceed Florida nursery specifications for plant material as required by state law and the Florida Nursery Association.

## **II. Wiregrass Tubeling (Plug) Delivery Schedule**

The selected vendor will have to prepare for the extraction and pick up of the wiregrass tubelings by the District between January 3, 2017 and no later than February 28, 2017 in accordance with the schedule below.

<b>District Fiscal Year</b>	<b>Delivery Schedule</b>
2016 - 2017	Between January 3, 2017 and February 28, 2017

### **ARTICLE 5**

#### Subcontracts

The Contractor or Vendor shall not subcontract, assign or transfer any services under this Agreement without the written consent of the District. Any subcontractors or subvendors that may be employed by the Contractor or Vendor and approved by the District to provide upland wiregrass seed collection services to the District must also adhere to all provisions of this Agreement.

### **ARTICLE 6**

#### Termination of Agreement

- A. The District or its designated representatives will decide all questions, difficulties and disputes of whatever nature which may arise under or by reason of this Agreement. The District's decision upon all claims, questions and disputes shall be final, conclusive and binding upon the parties hereto.
- B. If the Vendor shall fail to fulfill its obligations in a timely and proper manner under this Agreement, or if the Vendor shall violate any of the covenants, agreements or stipulations of this Agreement, the District shall have the right to terminate this Agreement. This right to terminate will be exercised by giving written notice to the Vendor of such termination and specifying the effective date thereof. The Vendor shall not be relieved of liability to the District for damages sustained by the District because of any breach of the Agreement, without prejudice to any other rights the District may have as a result of such breach, including but not limited to the right to consequential or incidental damages.

## ARTICLE 7

### Indemnification

The Vendor hereby agrees to indemnify, defend, save and hold the District harmless from all claims, demands, liabilities and suits of any nature whatsoever arising out of, because of, or due to any negligent act or occurrence of omission or commission by the Vendor, its agents or employees.

## ARTICLE 8

### Payments

Payment will be as follows: The District will pay the Vendor the following amount per 1,000 upland wiregrass tubelings. Payment will be subject to satisfactory inspection/acceptance of the upland wiregrass tubelings (plugs) by a District representative and within 30 days of receipt of an invoice submitted in sufficient detail for a proper preaudit and postaudit thereof.

<b>Common Name</b>	<b>Minimum Quantity Desired for 2016 - 2017</b>	<b>Price/M</b>	<b>Total Cost for 2016 - 2017</b>
Upland Wiregrass (Sandhill Habitat)	179,080	\$ _____/M	\$ _____

## ARTICLE 9

### Penalties

If the Vendor fails to provide the 2016 upland wiregrass tubeling services during the time period specified in the agreement, the District, in its sole discretion, reserves the right to reject the Vendor from future bid opportunities and may also provide the Vendor's name to the Department of Management Services to be placed on the State's Suspended Vendor list. Assessments for this Agreement may be waived by the District, in its sole discretion, for acts of God or for other appropriate reasons submitted by the Vendor.

## ARTICLE 10

### Amendments

This Agreement and the documents referenced herein embody the entire agreement of the parties. This Agreement shall supersede all previous communications, representations or

agreements, either oral or written, between the parties hereto. Amendments to this Agreement must be made in writing and executed by both parties.

## **ARTICLE 11**

### **Public Entity Crime**

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

## **ARTICLE 12**

### **Discriminatory Vendor List**

An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

## **ARTICLE 13**

### **Inspector General Cooperation**

Prospective contractor or vendor understands and shall comply with section 20.055(5), Florida Statutes, which states: "It is the duty of every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing pursuant to this section."

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of this \_\_\_\_ day of \_\_\_\_\_, 2016.

**<Insert Vendor Name>**

**Northwest Florida Water  
Management District**

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

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

Brett Cyphers  
Executive Director

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

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

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

Northwest Florida Water Management District  
Accounting Section  
81 Water Management Drive  
Havana, FL 32333  
Phone (850)539-5999 Fax (850)539-2777

## VENDOR REGISTRATION FORM

### Vendor Information (Please type or print clearly)

Date: \_\_\_\_\_ FEID or SS Number \_\_\_\_\_

E-mail Address (if applicable): \_\_\_\_\_

Vendor Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(It is the vendor's responsibility to promptly notify the District of any change of address.)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Remittance  
Address: \_\_\_\_\_  
(If different from mailing address)

Contact Person: \_\_\_\_\_ Title \_\_\_\_\_

Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_ Toll-Free Number: \_\_\_\_\_

Check **one** that best describes your company:

Non-Minority  
Business Classification

A \_\_\_ Non-Minority  
B \_\_\_ Small Business-State\*  
C \_\_\_ Small Business-Federal  
E \_\_\_ Governmental Agency  
G \_\_\_ P.R.I.D.E.

Certified Minority  
Business Enterprise

H \_\_\_ African American  
I \_\_\_ Hispanic  
J \_\_\_ Asian/Hawaiian  
K \_\_\_ Native American  
M \_\_\_ American Woman

Non-Certified  
Minority Business  
Enterprise

N \_\_\_ African American  
O \_\_\_ Hispanic  
P \_\_\_ Asian/Hawaiian  
Q \_\_\_ Native American  
R \_\_\_ American Woman

Non-Profit Organization

S \_\_\_ 51% or more Minority Board of Directors  
T \_\_\_ 51% or more Minority Officers  
U \_\_\_ 51% or more Minority community Served  
V \_\_\_ Other Non-Profit

\*Defined as 100 employees or less and \$3 million or less net worth and domiciled in Florida.

To apply for Florida Minority Business Certification, call (850) 487-0915 to request an application.

This form should be signed below by an officer of the company:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title (Printed or Typed)



# 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.	<b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	<b>2</b> Business name/disregarded entity name, if different from above	
	<b>3</b> Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	<b>5</b> Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	<b>6</b> City, state, and ZIP code	
<b>7</b> 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 generally 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 instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

<b>Social security number</b>										
				-				-		
<b>or</b>										
<b>Employer identification number</b>										
					-					

## 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); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**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 3.

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

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

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*

By signing the filled-out form, you:

- 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, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

**Note.** If you are a U.S. person and 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 under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 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 section 1446 withholding on your share of partnership income.

In the cases below, the following person must give 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:

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

## What is FATCA reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code* on page 3 and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account, list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note. ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C Corporation, or S Corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

**Line 2**

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

**Line 3**

Check the appropriate box in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

**Limited Liability Company (LLC).** If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

**Line 4, Exemptions**

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in line 4 any code(s) that may apply to you.

**Exempt payee code.**

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

- 1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)
- 2—The United States or any of its agencies or instrumentalities
- 3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities
- 5—A corporation
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission
- 8—A real estate investment trust
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940
- 10—A common trust fund operated by a bank under section 584(a)
- 11—A financial institution
- 12—A middleman known in the investment community as a nominee or custodian
- 13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5 <sup>2</sup>
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

<sup>1</sup> See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

**Note.** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

**Line 5**

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns.

**Line 6**

Enter your city, state, and ZIP code.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.ssa.gov](http://www.ssa.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/businesses](http://www.irs.gov/businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting [IRS.gov](http://IRS.gov) or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.



## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code* earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

## What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee <sup>1</sup>  The actual owner <sup>1</sup>
5. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor <sup>4</sup>
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

**\*Note.** Grantor also must provide a Form W-9 to trustee of trust.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

## Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: [spam@uce.gov](mailto:spam@uce.gov) or contact them at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 1-877-IDTHEFT (1-877-438-4338).

Visit [IRS.gov](http://IRS.gov) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.