

# Request for Sealed Qualifications No. 15-011

## PEACH COUNTY

## GEORGIA

### Infrastructure Services Program

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#### I. PURPOSE:

The PEACH COUNTY BOARD OF COMMISSIONERS is soliciting sealed Qualification Statements from qualified firms for professional services including project development and implementation of various energy, operational and water conservation savings initiatives, and various infrastructure improvements. This initiative will include performance based contracting services to upgrade the County's physical infrastructure, mechanical equipment, information technology infrastructure, lighting and facilities. The intent of the County is to reduce operating costs and gain efficiencies in operation while simultaneously accomplishing needed improvements in its lighting, utilities, water usage, mechanical systems, communications, IT, and other critical systems. The County may also implement fiscally feasible green building initiatives or renewable energy projects to reduce its carbon footprint and the use of fossil fuels and greenhouse gases. The County's purpose is to ultimately contract with one firm that will provide comprehensive and innovative services to develop a project and implement self-funding savings initiatives that will pay for themselves over a term not to exceed 15 years.

The firm chosen shall provide the necessary engineering and project development services to identify and quantify energy and operational savings, and water conservation measures that will be utilized over the term of the contract to offset the cost of implementing all construction improvements. The successful firm will assist in securing financing for the project. At the County's request, long term contractual financial, engineering and design, cost and schedule assurances and guarantees may be required, and the firm must have a track record providing these types of written assurances. Qualification Statements will not be made public until the successful contractor has been chosen by the Board of Commissioners.

#### II. INTENT:

**The Peach County Board of Commissioners anticipates awarding a contract to one who has extensive experience in this field. Peach County strongly encourages creative approaches.** The intent of the County is to execute a project development agreement with the most qualified firm as a result of this Request for Qualifications (RFQ). This will initiate project development and engineering services necessary to define complete detailed project scope of work, project cost, quantify savings numbers, detail savings assurances, detail project funding/lease source and terms and provide a final performance based contract for the County Commission's consideration and approval. It is the County's intent to develop projects such that combined energy, operational and capital cost avoidance savings will offset project costs over a term not to exceed fifteen (15) years.

#### III. PROJECT OVERVIEW:

Responses are requested from firms with a high degree of skill capable of providing audit, engineering, project development, and construction services to install energy savings facility projects and water savings measures, project management, commissioning and programming services, on-going savings measurement, monitoring and verification and guarantee services necessary to achieve and maintain energy and operational savings. The County is interested in any and all energy conservation measures or operational efficiencies that could be included in a

project whereby the firm guarantees a specific annual cost savings. The County may enter into a performance based contract which is determined to be in the best interest of the County. Contract award will be based on selection criteria set forth in this RFQ.

#### **IV. ADDITIONAL INFORMATION / ADDENDA**

The County reserves the right to amend this Request for Qualifications (RFQ). Any changes to the RFQ will be communicated via the Peach County web site. It is the contractor's responsibility to check for any addendum issued for this RFQ prior to submitting the qualifications statement.

Any questions regarding this RFQ shall be directed in writing to one of the following County contact person:

Paul Schwindler, P.E., CPWM  
Director, Peach County Public Works / County Engineer  
410 Old Macon Road, Fort Valley, Georgia 31030  
E-Mail: paul-schwindler@peachcounty.net

Clarice Davis  
Purchasing Manager  
213 Persons Street, Fort Valley, GA 31030  
E-Mail: Clarice-davis@peachcounty.net

All questions must be received three (3) days prior to the RFQ closing to allow ample time to post any addendum or changes if necessary.

The County will recognize only communications which are in writing. The County shall not be responsible for oral interpretations given by any County employee, representative, or others. The issuance of an addendum is the only official method whereby interpretation, clarification, or additional information can be given.

Addendum and Supplement to Request - If it becomes necessary to revise any part of this RFQ, or if additional data are necessary to enable an exact interpretation of provisions of this RFQ, an addendum will be issued. It is the responsibility of the party submitting the qualification statement to ensure that they have received all addendums prior to submitting. **All addendums must be initialed and attached to the qualification statement.** Failure to include addendums may be ample cause for rejection as non-responsive. Addendum will be published on the Peach County web site [www.peachcounty.net](http://www.peachcounty.net).

#### **V. QUALIFICATION STATEMENT SUBMITTAL**

Qualification statements shall clearly indicate the legal name, address, e-mail address, and business telephone number of the Contractor (company, firm, partnership, or individual) responding to the RFQ. All expenses related to responding to this RFQ are to be borne by the Contractor. Peach County reserves the right to retain all Qualification Statements submitted regardless of the firm selected.

**One (1) original qualification statement and Three (3) copies shall be submitted in one sealed package**, clearly marked on the outside "RFQ 15-011 Infrastructure Services Program" and addressed to:

Peach County Board of Commissioners  
Attn: Clarice Davis  
213 Persons Street  
Fort Valley, Georgia 31030

Failure to submit any required data item or inaccurate responses may be cause for rejection.

Submission of sealed Qualification Statements must be received by the Board of Commissioners Office **BEFORE** 2:30 p.m. August 20, 2015. Qualification Statements may be mailed or hand delivered to Peach County Board of Commissioners Office, Attn. Clarice Davis, 213 Persons Street, Fort Valley, Georgia 31030.

Required Copies - Each firm shall submit **one (1) original and three (3) copies** of their qualifications to the County's Purchasing Department as indicated in this RFQ. The original shall be clearly marked "**ORIGINAL**", **in blue ink** and shall contain all original signatures in **blue ink**. Copies of the original qualification statement shall be clearly marked "**COPY**", **in red ink**.

Late Submittals - Late submittals will be returned to party submitting the qualifications unopened if the RFQ number, acceptance date, and Contractor's return address is shown on the container.

Rights of County - The County reserves the right to accept or reject all or any part of any qualification statement.

Miscellaneous Requirements - The County will not be responsible for any expenses incurred by the Contractor responding to this RFQ. All qualification statements shall provide a straightforward, concise delineation of the Contractor's history and capabilities to satisfy the requirements of this RFQ. Emphasis should be on completeness and clarity of content. Excessively long or voluminous submittals are discouraged.

**Failure to include any required information may be ample cause for rejection as non-responsive.**

## **VI. RFQ GENERAL REQUIREMENTS AND CONDITIONS:**

A. Respondents that are NAESCO (National Association of Energy Services Companies) accredited are preferred.

B. Respondent must have been conducting and providing guaranteed energy savings services a minimum of fifteen (15) years to ensure firm has established a strong financial stability necessary to back workmanship, guarantee long-term financial performance, and demonstrate business longevity to initiate a potentially long-term contractual partnership with the County.

C. Firms are requested to not make any contact with County Commission, County Employees, County Administration and/or staff as a result of this RFQ issuance and should make site visits only if contacted and upon request from the County. Any questions are to be submitted in writing or via e-mail to paul-schwindler@peachcounty.net as stated previously and firms need only to respond in writing and submit qualifications as outlined in this RFQ.

D. Pricing is not requested as part of this Request for Qualifications (Professional Services) and final cost will be submitted when engineering and determination of final scope of work is complete. Premature and unsolicited cost submittals are not requested and may be grounds for rejection from consideration.

E. Oral presentations may be conducted as part of this RFQ evaluation process only upon invitation from the County.

**Failure to comply with the above RFQ requirements may be grounds for rejection.**

## **VII. QUALIFICATIONS EVALUATIONS CRITERIA**

Responses should be submitted in the format outlined in this section. The County reserves the right to eliminate from further consideration any response that is deemed to be substantially or materially unresponsive to the requests for information contained in this section.

### **A. Executive Summary**

Your firm's Executive Summary should not exceed one (1) page. Responding firm should highlight the firm's unique value, qualifications and services that should be considered by the County for this project.

### **B. Firm Qualifications**

#### **1. Firm Profile**

- Please provide the name, title, address, telephone number, e-mail address, and fax number of the firm responsible for responding to this RFQ.
- Main contact person with full contact information
- Years of experience in performance contracting
- Performance Based Contracting portfolio
- Summarize or outline any similar work performed in the past five years emphasizing work performed for Peach County and throughout Middle Georgia.
- Provide a list of at least three (3) current references for which comparable work has been performed. This list shall include company name, person to contact, address, and telephone number
- Proof of insurance meeting the County's minimum requirements shown below:

a. Maintain statutory Worker's Compensation and Employer's Liability insurance in an amount of not less than \$500,000 each accident, each disease, to protect the Contractor from any liability or damages for any injuries (including death and disability) to any of its employees, volunteers, or subcontractor, including any and all liability or damage which may arise by virtue of any statute or law in force within the State of Georgia, or which may be herein after enacted.

b. Comprehensive General Liability insurance in an amount of not less than \$1,000,000 per occurrence, \$2,000,000 Policy Limit to protect the Contractor, its subcontractors, and the interest of the County, against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the Contract or in connection with the contracted work. The General Liability insurance shall also include the Broad Form Property Damage Liability endorsement, in addition to coverage for explosion, collapse, and underground hazards, where required.

c. Auto Liability insurance in an amount of not less than \$1,000,000 per occurrence, \$2,000,000 Policy Limit to protect the Contractor, its subcontractors, and the interest of the County, against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation of automobiles or vehicles.

- Provide a copy of the firm's most recent year-end financial statement certified by a CPA
- Provide documentation of Bankruptcy within the last 7-years or a statement certifying no bankruptcy in the past 7-years
- Provide an explanation of the firm's name changes within the past 5-years or a statement certifying no name changes within the past 5-years
- Provide a litigation history for the past 7-years or a statement certifying no litigations history in the past 7-years

### **C. Project Team Qualifications and Experience for this type of project**

#### 1. Project Team assembled for the County's project

- Roles and Responsibilities of each team member.
- Resumes of project team members including education, past project experience and any other pertinent information. Subcontractors or partners may be listed as part of your team but must be clearly identified.
- Performance Contracting Organizational Chart. Provide an organizational chart that illustrates the structure and roles of your Project Team Members.

#### 2. Experience of your proposed Project Team

- Your Project Team should provide a minimum of five (5) performance contracting references. References of similar size, scope and complexity indicating your project team's experience with local government or County clients is preferred. Each project description shall describe the services provided, project cost, savings amount, and contract term. Client names with a contact person's phone number and address should be listed. Individual project team members, including subcontractor team members, which are local, assigned to this project and that will work directly with the County on site may include their personal references and project experience and may be included and highlighted in this section.

**D. Technical Approach/Methodology and Financial Approach for this type of project**

1. Performance Contracting Technical Approach and Process Methodology

- Provide an overview of the performance contracting process and savings methodology your firm uses to plan, develop and implement performance contracts similar to this project.
- Describe how your firm would determine savings opportunities and conduct a customer needs analysis during the detailed engineering and project development phase.
- Describe how your firm will calculate savings to be achieved by the County.
- Describe your firm's savings monitoring and verification services.
- Describe your firm's proposed approach to providing any required technical training for County personnel.

2. Financial Approach

- Provide descriptions of the funding sources and your firm's preferred financial approach.

3. Project Management

- Provide your Team's Project Management Overview. Provide detailed information on your team's approach to managing the development and implementation of the project to ensure a successful installation. Describe how your firm will select and work with any potential subcontractors on this project.

**E. Other Benefits and Services**

- Describe any other benefits of your firm and/or project team that merit consideration by the County and that bring additional value to this project opportunity. Provide any additional value-added services.

**VIII. QUALIFICATIONS EVALUATION**

The County's evaluation will consider the following criteria in evaluating qualifications. These categories may not be weighted equally but rather on importance and significance to this project. The County will select the responding firm that is deemed most qualified and as the County determines provides the greatest value to the County for this particular project.

- Executive Summary
- Firm Qualifications
- Project Team Member's Experience and References
- Technical Approach/Process Methodology and Financial Approach
- Other Benefits

**IX. SPECIAL PROVISIONS:**

- Contractors must comply with Title VI of the Civil Rights Act of 1964, the Anti-Kickback Act, the Contract Work Hour Standard Act, and the National Occupational Safety and Health Act of 1970.
- Contractors must certify that they do not and will not maintain or provide for their employees any facilities that are segregated on a basis of race, color, creed, or national origin.
- The contractor's attention is directed to the fact that all applicable state laws, county municipal ordinances, orders, rules and regulations of all authorities having jurisdiction over project shall apply to the RFQ throughout.
- Right to Waive and Reject
  - A. The Board of Commissioners (Board), in its absolute discretion, may reject any qualifications of a contractor that has failed, in the opinion of the Board, to complete or perform a Peach County contracted project in a timely fashion or has failed in any other way, in the opinion of the Board, to perform a prior contract in a satisfactory manner, and has directed the Peach County Purchasing Manager to emphasize this condition to potential contractors.
  - B. There is no obligation on the part of the County to award the project to any firm, and the County reserves the right to award the project to a contractor submitting qualifications response with a resulting negotiated agreement which is most advantageous and in the best interest of Peach County, and to reject any and all qualification submittals or to waive any irregularity or technicality in qualification submittals received. Peach County shall be the sole judge of the qualifications and the resulting negotiated agreement that is in its best interest and its decision shall be final.
  - C. The Board reserves the right to waive any informalities or reject any and all qualification submittals, in whole or part and to choose the firm that in its judgment will best serve the interest of the County.
- Peach County may make such investigations deemed necessary to determine the ability of the contractor to perform the work and ensure there is no conflict of interest as it relates to the project. The contractor shall furnish to the County any additional information and financial data for the purpose as the County may request. The data may include a detailed and up-to-date list of plant equipment and materials which the contractor proposes to use, indicating which portions he already possesses and a detailed description of the method and program of work to be done.

**Qualifications Form Page 1 of 2**

Qualifications Statement of \_\_\_\_\_ (hereinafter called "**Contractor**"), a company organized and existing under the laws of the State of Georgia, \*an individual, a corporation, a partnership doing business as:

\_\_\_\_\_

Contractor or Firm Name

TO: Peach County (Hereinafter called "**County**")

Gentlemen:

The **Contractor**, in compliance with your Notice to Contractors and all required documents, elects to submit a qualifications statement outlining our firms capabilities and qualifications to design, manage, and implement an Infrastructure Services Program capable of providing audit, engineering, project development, and construction services to install energy savings facility projects and water savings measures, project management, commissioning and programming services, on-going savings measurement, monitoring and verification and guarantee services necessary to achieve and maintain energy and operational savings.

\_\_\_\_\_  
**Contractor** (Print)

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

\_\_\_\_\_  
Name of Signer (Print)

\_\_\_\_\_  
Title of Signer (Print)

\_\_\_\_\_  
Date



**X. REQUIRED DOCUMENTS**

**CERTIFICATION BY CONTRACTOR**

**Regarding: NON-SEGREGATED FACILITIES**

The **Contractor** certifies that he does not, and will not, provide and maintain segregated facilities for his employees at his establishments and, further that he does not, and will not, permit his employees to perform their services at those locations, under his control, where segregated facilities are provided and maintained. Segregated facilities include, but are not necessarily limited to, drinking fountains, transportation, parking, entertainment, recreation, and housing facilities; waiting, rest, wash, dressing, and locker rooms, and time clock, **Work**, storage, restaurant, and other eating areas which are set apart in fact, or by explicit directive, habit, local custom, or otherwise, on the basis of color, creed, national origin, and race. The **Contractor** agrees that, except where he has obtained identical certifications from proposed subcontractor for specific time periods, he will obtain identical certifications from proposed subcontractor prior to the award of subcontracts exceeding \$10,000.00 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certifications in his files.

The **Contractor** agrees that a breach of this certification is a violation of the Equal Opportunity clause in this Contract. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

\_\_\_\_\_  
**Contractor (Print)**

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

\_\_\_\_\_  
Name of Signer (Print)

\_\_\_\_\_  
Title of Signer

\_\_\_\_\_  
Date

**CERTIFICATION BY CONTRACTOR**

**Regarding: Drug-Free Workplace Act**

The Contractor certifies that provisions of Sections 50-24-1 through 50-24-6 of the Official Code of Georgia annotated, relating to the “Drug-Free Workplace Act” have been, and will be, complied with in full. Including compliance by sub-contractors performing work under this agreement.

\_\_\_\_\_  
Contractor (Print)

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

\_\_\_\_\_  
Name of Signer (Print)

\_\_\_\_\_  
Title of Signer

\_\_\_\_\_  
Date

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## VENDOR INFORMATION

COMPANY NAME: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ TITLE: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

TYPE OF BUSINESS: (CIRCLE ONE) CORPORATION PARTNERSHIP SOLE PROPRIETOR

Have you done business with Peach County in the past? (circle one) YES NO

Do you participate in the E-Verify Program? (circle one) YES NO

Do you have a Federal Tax ID number? (circle one) YES NO

*The information contained in this document is true to the best of my knowledge and I understand that giving false, misleading or deceptive information is considered unlawful and may be punishable by penalties of prosecution based on Georgia law.*

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

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Revised August 2014

Form <b>W-9</b> (Rev. August 2013) Department of the Treasury Internal Revenue Service	<b>Request for Taxpayer                  Identification Number and Certification</b>	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/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____  <input type="checkbox"/> Other (see instructions) ▶ _____	Exemptions (see instructions):  Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	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)		

<b>Part I Taxpayer Identification Number (TIN)</b>														
Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line 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 <i>How to get a TIN</i> on page 3.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Social security number</td> </tr> <tr> <td style="width:40%; text-align: center;"> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> </tr> </table> </td> <td style="width:20%; text-align: center;">-</td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; text-align: center;">-</td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> </tr> </table>	Social security number		<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> </tr> </table>						-		-		
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Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">Employer identification number</td> </tr> <tr> <td style="width:40%; text-align: center;"> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> </tr> </table> </td> <td style="width:20%; text-align: center;">-</td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; text-align: center;">-</td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> </tr> </table>	Employer identification number		<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> <td style="width:20%; border: 1px solid black; height: 20px;"></td> </tr> </table>						-		-		
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<b>Part II Certification</b>	
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), and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.	
<b>Certification instructions.</b> 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>	Signature of U.S. person ▶ _____  Date ▶ _____

**General Instructions**

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

**Future developments.** The IRS has created a page on [IRS.gov](http://IRS.gov) for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

**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, payments made to you in settlement of payment card and third party network transactions, 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, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

**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.