PROSPER INDEPENDENT SCHOOL DISTRICT
TECHNOLOGY DEPARTMENT
605 E. SEVENTH STREET
PROSPER, TX 75078

NOTICE TO BIDDERS
RFP – 110117_SAN_PISD

SCOPE OF WORK: PROSPER ISD is requesting proposals for a storage solution for the district.

Firm Name _____ **Date _____**

Firm Address _____ **Phone _____**

Authorized Company Contact Name _____

Contact Direct Email _____

Sealed proposals will be received by the Prosper Independent School District until Tuesday, November 28th at 12:00pm CST.

Proposals will be opened at this time. Proposals received after this time and date will not be considered. The District is not responsible for unmarked or improperly marked proposals. The district is not responsible for proposals delivered after the scheduled deadline due to external or internal mail system. The time and date recorded in the front office shall be the official time of receipt.

Sealed proposals must be labeled on the OUTSIDE of the envelope as follows:

James Noe, Technology Purchasing and Inventory Manager
RFP – 110117_SAN_PISD – Storage Solution
Prosper Independent School District
Administrative Office
605 E. Seventh Street
Prosper, TX 75078

Prosper ISD

Storage Solution

Table of Contents

1.1 Statement of Purpose…… 3

1.2 Prosper ISD Information …….. 3

1.3 Pricing & Project Specifications …… 3

1.4 Close Out Documentation …….. 18

1.5 Warranty …… 19

1.6 Acceptance Testing …… 19

1.7 Product Specifications …… 19

1.8 Project Schedule …….. 26

1.9 Project Completion Acceptance Process …….. 26

1.1. Statement of Purpose

Installation of a replacement storage area network appliance to accommodate the District's infrastructure needs. Currently, the District has 1 central data center and is developing a second site. The main scope is to install at one location with the possibility of a second appliance at a second location for replication purposes to ensure the District's disaster recovery and business continuity. Labor costs and miscellaneous materials to include, but not limited to the actual appliance at 1 or 2 sites, rails, migration services, neat and clean setup, documentation, etc., to be included in the pricing.

1.2. Prosper ISD Information

Prosper ISD is located at 605 E. Seventh Street, Prosper, Texas 75078, (469) 219-2000. The District project point of contact is James Noe. Email address is jtnoe@prosper-isd.net. Normal hours of operation are 8AM to 4PM Monday through Friday.

The primary site is Central Administration at 605 E. Seventh Street, Prosper, Texas 75078.

The secondary site is at Baker Elementary at 3125 Bluewood Drive, McKinney, Texas 75071.

1.3 Pricing & Project Specifications

Evaluation Criteria

Criteria	Points
Purchase Price	30
Reputation of the vendor and vendor's goods and services	15
Quality of vendor's goods and services	15
Extent to which the goods and services meet the district's needs	15
Vendor's past relationship with district	5
Total long-term cost to the district to acquire vendors goods and services	15
Other relevant factors specifically listed in this RFP	5
Total	100

Pricing

The District requests pricing for a storage area network appliance for a primary site at Central Administration, with the option of a second unit at a secondary site at Baker Elementary. Pricing must provide engineering, installation, migration of existing storage area network appliance, training on the new equipment, support, and warranties as required included in this proposal.

The proposal submission consists of three paper based copies. Each copy of the proposal will be submitted in separate 3-ring binders. One copy must include one USB thumb drive with a copy of the submission in electronic format.

Section 1: Cover Sheet

- Cover sheet with Company name or logo
- Title of Project
- Client Name
- Respondent's work address, Point of Contact, phone number, and email address

Section 2: Primary Product Data

Option 1 based on Nutanix proprietary hardware for a single site at Central Administration

Minimum manufacturer's specification sheets for base model, NX-3460-G5

- 4 Nodes / 1 Block / 2U configuration
- 80 Cores Intel based Xeon processors
- No less than 2TB Memory – 512GB per node
- SSD no less than 46.08 TB Raw
- 2 x Quad interface cards with 10Gbe ports for a total of 8 ports
- 1 x IPMI
- 8 x Twinax cable measuring 5 meters or no less than 16 feet

Manufacturer's documentation sheets for

- Nutanix Ultimate Licensing
- Prism Pro
- On-site Professional Services Implementation (Migration & Setup)
- 3-year or 5-year Enterprise-level Support
- 24 x 7 Phone Support (engineering level support)
- 4-hour Onsite Parts \ Tech Support for Mission Critical Issues

Any other manufacturer's cut sheets or documentation sheets for any other products

Option 2 based on Nutanix, but using Dell as the hardware platform, for a single site at Central Administration

Minimum manufacturer's specification sheets for Dell based platform

- 4 Nodes / 1 Block / 2U configuration
- 80 Cores Intel based Xeon processors
- No less than 2TB Memory – 512GB per node
- SSD no less than 46.08 TB Raw
- 2 x Quad interface cards with 10Gbe ports for a total of 8 ports
- 1 x iDRAC
- 8 x Twinax cable measuring 5 meters or no less than 16 feet
- Redundant power

Manufacturer's documentation sheets for

- Nutanix Ultimate Licensing

- Prism Pro
- On-site Professional Services Implementation (Migration & Setup)
- 3-year or 5-year Enterprise-level Support
- 24 x 7 Phone Support (engineering level support)
- 4-hour Onsite Parts \ Tech Support for Mission Critical Issues

Any other manufacturer's cut sheets or documentation sheets for any other products

Option 3 same identical specifications as Option 1 or Option 2 except the quantity.

- Instead of being one single site, it must include the materials and everything else required for a second appliance to be setup at Baker Elementary for replication purposes to ensure the District's disaster recovery and business continuity. It must include the engineering to establish replication across sites.

Option 4 trading in value or credit.

- Given either option 1, 2, or 3 above, simply provide the option and price to trade in or give credit for our Existing EqualLogic SAN unit, Dell Force 10 switches, and Dell R620 servers. This must include a certificate of destruction of all the data and proper hardware disposal. The full specifications will be given on request when considering this option 4.

Section 3: References

Respondent must submit a minimum of 3 references of projects of similar scope and size with details of installation including number of appliances, total cost of the project; scope of work; and services provided. References are acceptable for Option 1 and 2 listed under Section 2.

- Provide names and phone numbers of the primary contacts at the customer facility for the referenced projects.
- References must be for projects of similar size and scope and have been the most recently completed projects of that scope.

Section 4: Certifications and Authorizations

- Proof of Certification for proposed solution.
- Authorized Reseller/Installer
    - Nutanix Solutions
- Training certificates for design, engineering, and installation of the proposed products.

Section 5: Other Primary Product Responsibilities

- Respondent is responsible for providing all components (whether or not listed above) in order to provide a complete, not to exceed, fully functioning turnkey solution for each of the options in the above section.
- Installation and other work may require work to be performed outside of normal school hours, on school holidays, and on weekends.

- No trash disposal is allowed in District dumpsters. All packaging, cabling, parts, debris, construction materials, etc. must be removed from District for disposal. Respondent is responsible for removing all materials from premises and to keep work areas clean and safe at all times.

Section 6: Pricing (includes, but not limited to)

- Itemized Summary (in Excel Format) for each item listed in this section.
    - Product (List per item)
        - Manufacturer
            - Part Number
            - Description
            - Quantity
            - Unit cost
            - Total cost of each item
    - Shipping
    - Miscellaneous
        - Labor Installation costs
        - Number of hours to complete
        - Testing and Certification
        - Documentation
        - Processing Costs
        - Project Management
        - Training

Section 7: Project Timeline

- Project Start Date (Per the District's request)
- Project Duration: One year from date of award

Project Specifications

Any questions regarding this project shall be submitted as RFIs (Request for Information) and emailed directly to James Noe at jtnoe@prosper-isd.net. Responses will be posted on the District's website, http://www.prosper-isd.net (Business Management page, Procurement Section) in a public Google Doc where we will list all the questions and answers.

- The District reserves the right to reject any proposal that is not complete.

Time Line

- Request for proposal released November 1st, 2017
- Request for proposal delivered to District Main Office, 605 E. 7th St., by 12PM on November 28th, 2017

Respondent (Referred to as either Contractor or Vendor) Qualifications

- Must be an authorized Nutanix reseller and be certified in all aspects of the design, installation, and able to provide warranty service of the products included in this proposal.
- Must have a minimum of five (5) years' storage area network appliance system installation experience.
- Must have a documented quality assurance program. This program must have an internal inspection team to measure the service and product quality produced by the Contractor's technicians against internal and industry standards.
- Shall comply with all federal, state, and local statutes regarding qualifications of firms.
- Personnel knowledgeable in local, state, national codes and regulations.
- Shall be experienced in all aspects of this work and will be required to demonstrate direct experience on recent installations of similar type.
- Will own and maintain tools, test sets, and equipment necessary for successful installation.
- Shall have full time employees who are adequately trained in the usage of such tools and equipment.
- ***Sub-Contractors are not allowed.***
- Must possess current liability insurance certificates.
- Employees must follow all District policies regarding alcohol, tobacco, and firearms.
- Employees must follow all District policies regarding dress code (no alcohol, tobacco, firearms, and no objectionable advertisements or verbiage allowed on clothing).
- Employees will wear company badges and shirts with company logo at all times while on the job site.
- Employees will pass background checks and finger printing according to state and federal regulations.
- Prosper ISD reserves the right to accept all or portions of this project.
- Prosper ISD reserves the right to reject any bid of any Vendor or Contractor who has previously failed to perform properly, or complete on time, contracts of a similar nature.
- Prosper ISD reserves the right to reject incomplete proposals or proposals that arrive after the deadline.

Materials and Workmanship

- Contractor shall provide and pay for all materials, supplies, machinery, equipment, tools, supervision, labor services, insurance, transportation, and other facilities necessary for the execution and successful completion of this project.
    - Any item of equipment or material not specifically addressed in this document and required to provide a complete and functional installation will be provided in a level of quality consistent with other specified items.
- Contractor is responsible for storage of all tools and materials.

- Contractor is responsible for providing floor protection from damage caused by heavy equipment such as lifts. (Repair charges, if any, will be deducted from the final payout).
- Unless otherwise specified in writing and approved by the District, all equipment, material, and miscellaneous items used in this project are to be new and of the most suitable grade for the intended purpose.
- The District reserves the right to remove and/or deny entry to anyone that does not abide by the District's policies and procedures.
- Contractor is responsible for cleaning up all work areas, removing all debris (including but not limited to packing materials, etc.), and protecting existing equipment in the work area.
- Contractor is responsible for:
    - repairing or replacing any damaged or destroyed active equipment or cabling (not in scope of work) caused by its employees;
    - damage to any portion of the building caused by the movement of tools, materials, or equipment;
    - damage to the electrical, mechanical, and/or life safety or other systems caused by inappropriate operation or connections made by the contractor or other actions of the Contractor.
- Contractor is required to follow all industry standards regarding fire stopping.
- The District representative and the Contractor will make periodic inspections of the work, including, but not limited to, inspection of site during installation, and final inspection. The District reserves the right to halt work if deviations are found.
- A final inspection of all installed equipment will be scheduled prior to substantial completion. The Contractor, District representative, and the Manufacturer's representative will inspect the entire project.
- Failure to complete any of the items included in this section results in delay of the final payment.

1.4 Close Out Documentation (As-Build Documentation)

- As-Build data drawings
    - In Visio and PDF format.
- Spread sheet with the following Information (Excel, editable format)
    - MDF/IDF Number
    - Port Number
    - Room Number
    - Licensing agreements
    - Support web and phone contacts
    - IP address information
    - Configuration information
- 1 Copy each of all product manuals whether paper or electronic formats.
- All manufacturer's warranty documentation
    - Warranty period

- Conditions of the warranty

1.5 Warranty

Include all warranties including, but not limited to:

- Appliance(s), cabling, and accessories warranty documentation.
- Any other equipment warranties not listed above.

1.6 Acceptance Testing

- Verify the new production environment is stable.
- Verify all cable paths are in compliance with industry standards.
- If the District purchased two sites, Central Administration and Baker Elementary, provide and test replication.
- Verify all labeling is installed according to District standards.
- All inspections are signed by both the District representative and the Contractor.

1.7 Product Specifications

Equivalent Products

- There are no equivalent products. The only solutions that will be accepted are based on Nutanix with the option of Dell hardware.

1.8 Project Schedule

- As needed by District for a period of 1 year.

1.9 Project Completion Acceptance Process

Refer to Section 1.4 Close Out Documentation.

FORM A

AFFIDAVIT OF NON COLLUSION

The undersigned certifies that the bid/proposal prices contained in this proposal have been carefully checked and are submitted as correct and final and if bid/proposal is accepted (within 90 days unless otherwise noted by vendor), agrees to furnish any and/or all services upon which prices are offered, at the price(s) and upon the conditions contained in the Specifications.

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for the State of _____, on the day personally appeared_____who, after having first been duly sworn, upon oath did depose and say;

That the foregoing proposal submitted by_____
Hereinafter called "Bidder" is the duly authorized agent of said company and that the person signing said proposal has been duly authorized to execute the same. Bidder affirms that they are duly authorized to execute this contract, that this company, corporation, firm, partnership, or individual has not prepared this bid in collusion with any other Bidder, and that the contents of this bid as to prices, terms or conditions of said bid have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this bid.

Name and Address of Bidder:

_____

_____

_____

Telephone Number_____

Fax Number_____

_____
Signature

Name:_____

Title:_____

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____day of_____, 20____

_____
Notary Public in and for the State of _____

Company Name_____

FORM B

FELONY CONVICTION NOTIFICATION

State of Texas Legislative Senate Bill No. 9, Section 44.034 of Texas Education Code, Notification of Criminal History, Subsection (a), states, "a person or business entity that enters into a contract with a school district must give advance notice to the District if the person or owner or operator of the business entity has been convicted of a felony." The notice must include a general description of the conduct resulting in the conviction of a felony.

Subsection (b) states, "a school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give notice as required by Subsection (a) or misrepresented the conduct resulting in the conviction." The district must compensate the person or business entity for services performed before the termination of the contract.

CRIMINAL HISTORY REVIEW OF CONTRACTOR EMPLOYEES

Texas Education Agency Amendment to 19 TAC 153.1101 and new rule 19 TAC 153.117 regarding criminal history checks of contractor employees provide the school district with rules interpreting Texas Education Code §22.0834. The rules define continuing contract duties, direct contact with students and other relevant terms within the statute.

Except as otherwise provided herein, Contractor will obtain and certify in writing, before work begins, and at least annually, a criminal history record information that relates to an employee, applicant, agent or Subcontractor of the Contractor or a Subcontractor, if the person has or will have continuing duties related to the Project, and the duties are or will be performed on Owner's property where students are regularly present or at another location where students are regularly present. Contractor shall assume all expenses associated with the background checks and shall immediately remove any employee or agent who was convicted of, received probation for, or received deferred adjudication for any felony as outlined below or any misdemeanor involving moral turpitude, from Owner's property or other location where students are regularly present. Owner shall determine what constitutes "moral turpitude" or "a location where students are regularly present."

Contractor or sub-contractors may not work on District property where students are present when they have been convicted, received probation or deferred adjudication for the following felony offenses:

1. Any offense against a person who was, at the time the offense occurred, under 18 years of age or enrolled at a public school;
2. Any sex offense;
3. Any crimes against persons involving:
   a. Controlled substances; or
   b. Property; or
4. Any other offense the District believes might compromise the safety of students, Staff or property.

Please complete the information below:

I, the undersigned agent for the firm named below, **certify that the information** concerning notification of felony convictions and criminal history checks for the company employees, agents, or subcontractors that will be on PISD campuses have been reviewed by me and the following information furnished is true to the best of my knowledge.

Vendor's Name:_____

Authorized Company Official's Name (please print or type):

_____

A. My firm is not owned nor operated by anyone who has been convicted of a felony.

Signature of Company Official:_____ Date:_____

B. My firm is owned or operated by the following individual(s) who has/have been convicted of a felony:

Name of Felon(s):_____

Details of Conviction(s):_____

_____

Signature of Company Official:_____ Date:_____
(Name should be the same as on the affidavit-Form A)

C. My firm is a publicly held corporation, therefore, this reporting requirement is not applicable.

Signature of Company Official:_____ Date:_____

FORM C

BIDDER'S CERTIFICATION

The 1985 Texas Legislature passed HB 620 relating to bids by nonresident contractors. The pertinent portion of the Act has been extracted and is as follows:

Section 1. (a)

(2) "Nonresident bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(3) "Texas resident bidder" means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Section 1. (b) The state or a governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials, or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that _____ is a
(Company Name)

Resident Bidder of Texas as defined in HB 620.

Signature_____

Print Name_____

I certify that _____ is a
(Company Name)

Nonresident Bidder of Texas as defined in HB 620 and our principal place of business is:

_____
(City and State)

Signature_____

Print Name_____

FORM D

DEBARMENT OR SUSPENSION CERTIFICATION FORM

Non-Federal entities are prohibited from contracting with or making sub-awards under covered transaction to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement of goods or services equal to or in excess of $25,000. Contractors receiving individual awards of $25,000 or more and all sub-recipients must certify that the organizations and its principals are not suspended or debarred.

By submitting this offer and signing this certificate, this bidder:

- Certifies that no suspension or debarment is in place, which would preclude receiving a federally funded contract under the Federal OMB, A-102, Common Rule (§_.36).

Vendor Name:_____

Vendor Address:_____

_____

_____

Vendor Telephone:_____

Authorized Company Official's Name:_____
(printed)

Signature of Company Official:_____

Date:_____

FORM E

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. *See* Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

OFFICE USE ONLY

Date Received

1 **Name of person who has a business relationship with local governmental entity.**

2 ☐ **Check this box if you are filing an update to a previously filed questionnaire.**

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 **Name of local government officer with whom filer has employment or business relationship.**

_____

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

_____ _____

Signature of person doing business with the governmental entity Date

Adopted 06/29/2007

FORM F

Form **W-9**
(Rev. October 2007)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

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

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: ☐ Individual/Sole proprietor ☐ Corporation ☐ Partnership
☐ Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ _____
☐ Other (see instructions) ▶

☐ Exempt payee

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

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

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

Social security number

or

Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

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

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

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

General Instructions

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

Purpose of Form

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

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

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

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

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

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

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

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

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

FORM F (page 2)

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (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 not subject to backup withholding, give the requester the appropriate completed Form W-8.

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, 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 the instructions below and the separate Instructions for the Requester of Form W-9.

Also *see Special rules for partnerships* on page 1.

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

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). Check the "Limited liability company" box only and enter the appropriate code for the tax classification ("D" for disregarded entity, "C" for corporation, "P" for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line.

For an LLC classified as a partnership or a corporation, enter the LLC's name on the "Name" line and any business, trade, or DBA name on the "Business name" line.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. 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 the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the business name, sign and date the form.

FORM F (page 3)

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

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 possession of the United States, or any of their political subdivisions or instrumentalities,

4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or

5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,

7. A foreign central bank of issue,

8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,

9. A futures commission merchant registered with the Commodity Futures Trading Commission,

10. A real estate investment trust,

11. An entity registered at all times during the tax year under the Investment Company Act of 1940,

12. A common trust fund operated by a bank under section 584(a),

13. A financial institution,

14. A middleman known in the investment community as a nominee or custodian, or

15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over $600 required to be reported and direct sales over $5,000[1]	Generally, exempt payees 1 through 7[2]

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

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

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 page 2), 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 Social Security Administration office or get this form online at *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* 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 *www.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, 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 domestic 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, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see *Exempt Payee* on page 2.

Signature requirements. Complete the certification as indicated in 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.