

# City of Brookside Village



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## REQUEST FOR QUALIFICATIONS FOR DESIGN-BUILD SERVICES

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Project: **Brookside Village City Barn/Public Works Bldg.**

Issue Date: **August 2, 2024**

RFQ Response Due: **August 30, 2024 @ 12:00 PM**

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## **Preface**

The City of Brookside Village is requesting qualifications for Design-Build Services per Texas Government Code Chapter 2267, Subchapter G for the new Brookside Village City Barn/Public Works Bldg. Project. Responses will be received at City of Brookside Village Hall, 6243 Brookside Rd., Brookside Village, Texas 77581 until 12:00 PM local time, Tuesday, August 30, 2024. Responses may be submitted by hand delivery or mail. No late submissions will be considered. It is incumbent upon the applicant to ensure that the response is delivered prior to the due date and time. If the response is mailed, it is not considered received until it is actually received by the City of Brookside Village at the address listed above.

The City of Brookside Village reserves the right to reject any or all proposals and to waive any informality.

The goal of this project is to deliver a new Brookside Village City Barn/Public Works Bldg. Project approximately +/- 3,360 square foot building for the City. The associated sitework, re-grading of the paving area, and installation of new paving with proper drainage shall be included in the project. This project shall be constructed to meet the program requirements of the City as well as applicable codes and standards of the Authority Having Jurisdiction. Substantial completion of all work and Owner occupancy is to be accomplished by October 1, 2025.

## **Request for Qualifications**

### **I. REQUEST FOR QUALIFICATIONS PROCESS**

The CITY OF BROOKSIDE VILLAGE is soliciting a request for qualifications (“RFQ”) for **Design Build Services** of a new Brookside Village City Barn/Public Works Bldg. Project at City of Brookside Village, Texas.

The CITY OF BROOKSIDE VILLAGE will solicit and accept responses to the RFQ. The CITY OF BROOKSIDE VILLAGE will qualify a maximum of three respondents that submit proper qualifications submissions to submit proposals and interview (if required). Only those respondents selected and contacted by the CITY OF BROOKSIDE VILLAGE should submit proposals.

The complete RFQ Package will be made available by the City, Attn: Cleo Rodriguez, City Secretary by email at [crodriguez@cobvtx.org](mailto:crodriguez@cobvtx.org) or Attn: Glenda Hundl, Mayor by email at [ghundl@cobvtx.org](mailto:ghundl@cobvtx.org) or telephone at 281.485.3048, who are the designated contact person(s) for all inquiries.

### **II. CRITERIA FOR SELECTION**

Consistent with Texas Government Code Sections 2269.055 and 2269.056, the CITY OF BROOKSIDE VILLAGE will utilize the following weighted selection criteria for use in this selection process:

1. Experience of Proposer/Design-Build Team. (20 points)
2. Technical Competence of Proposer/Design-Build Team. (25 points)
3. Capability of Proposer/Design-Build Team. (35 points)
4. Past Performance of Proposer/Design-Build Team. (20 points)

Based on the evaluation criteria and weightings, the CITY OF BROOKSIDE VILLAGE will qualify a maximum of three respondents to submit proposals that contain additional information. The Program Manager will notify the Respondents by e-mail if they have been selected as finalist to submit a Proposal for the project. Respondents should be certain to provide a valid email address for this purpose.

### **III. QUALIFICATIONS QUESTIONNAIRE**

**Submittals must be received NO LATER THAN 12:00 PM, August 30, 2024, at: City of Brookside Village Hall, 6243 Brookside Rd., Brookside Village, Texas 77581. If sent by mail or couriers please mark your submittal "Response to RFQ - Design/Build Services for Brookside Village City Barn/Public Works Bldg. Project " and address it to "Glenda Hundl, Mayor" and/or "Cleo Rodriguez, City Secretary".**

**Qualifications may be modified or withdrawn prior to the opening of the qualifications.**

**No price or cost related information is to be included in a Qualifications Submission. Two copies of the submittal shall be delivered to the CITY OF BROOKSIDE VILLAGE on before the due date.**

Questions for Qualifications (answers to the following must be accurate and complete to be considered):

1. Name, address, phone, fax and email address of Proposer/ Design Build Team members.
2. Name, Title, phone and email of primary Contact person(s).
3. Describe the Proposer/Design Build Team's experience in designing similar facilities in Texas.
4. Describe the Proposer/Design Build Team's experience in constructing similar facilities in Texas.
5. Describe the Proposer/Design Build Team's technical competence (i.e. knowledge, skill, ability) to complete this project.
6. Describe the vendor's capability (financial, logistical, operational) to perform the requested services contained herein.
7. Describe the Proposer/Design Build Team's past performance of similar projects. Include a description of the project, delivery method, final cost, and completion dates. For each project, provide the name, email, and telephone number of a person who may be contacted for further information. It is highly desirable that some of this reference be other municipalities or public sector accounts comparable in size.
8. Identify all claims, lawsuits (live or potential) or demands against the vendor received within the last 5 years.
9. Identify any bankruptcy action or filings of the vendor or any of its subsidiaries, entities, or officers within the last 5 years.
10. Identify all administrative actions, investigations, pursued or issued by any federal, state or local governmental agency within the last 5 years involving the vendor, its subsidiaries, and/or any of their respective principals/officers.
11. Identify the architects and engineers who will be part of the Design/Build Team on the project. Include their qualifications and a copy of their license to practice in the State of Texas (as applicable). Vendor must certify that each architect or engineer that is a member of the vendor firm was selected based on demonstrated competence and qualifications, in the manner provided by Section 2254.004, Texas Government Code.
12. Qualification submissions must also include completed original copies of the following (which are included in this packet, unless noted otherwise):
  - a. Conflict of interest affidavit;
  - b. W-9 Form;
  - c. Felony Conviction Notification;
  - d. Copy of insurance coverage (not included); and,
  - e. Letter from surety company indicating respondent's total bonding capacity (not included).

#### **IV. PROJECT DESCRIPTION**

1. The CITY OF BROOKSIDE VILLAGE intends to design and construct a new +/-3,360 sf Brookside Village City Barn/Public Works Bldg. Project located at Brookside Village, Texas.
2. The scope of work for this project provides for the Brookside Village City Barn/Public Works Bldg. Project approximately +/- 3,360 square foot building for the City. The associated site work, re-grading of the paving area, and installation of new paving with proper drainage shall be included in the project. The design and construction budget for this work will range to \$500,000.00, depending on the design tendered.
3. All work must be completed on or before October 1, 2025. Failure to complete the work on time and to obtain a certificate of occupancy will result in substantial penalties to the Design-Build Firm.

All aspects of the site preparation and construction must comply with:

- Building Code standards as currently applied by the Authority Having Jurisdiction;
- Americans with Disabilities Act (ADA);
- State of Texas Industrialized, Housing and Building Rules, as administered by the Texas Department of Licensing and Regulations; and
- All applicable State and Federal standards which would affect the ability of the facility to house employees/visitors.

**Selection Process:**

1. Following an evaluation of the best offers, The CITY OF BROOKSIDE VILLAGE will select the offer that provides the best value to the CITY OF BROOKSIDE VILLAGE, considering the evaluation factors in the RFQ, and will attempt to negotiate a contract with the selected offeror.
2. If no contract can be reached, the CITY OF BROOKSIDE VILLAGE may contact the offeror with the next highest point total and attempt to negotiate a contract with that offeror.
3. All selection decisions are final and the CITY OF BROOKSIDE VILLAGE reserves the right to reject any or all submittals.
4. If a contract is awarded, the rankings based on the submittals will be made public within seven (7) days.

**V. PROJECT SERVICES**

The CITY OF BROOKSIDE VILLAGE is seeking the services of a Design Build Firm (“DBF”) with the compatible experience, style and approach to provide design, planning, preconstruction and construction services for this project. Working collaboratively with the CITY OF BROOKSIDE VILLAGE and the entire project team, the design-build firm will be required to provide the following services.

***Preconstruction Services***

*Design:*

Prepare a full design for the project. Work in coordination with architects, engineers, surveyors and other design consultants with an eye toward maximizing value and functionality, but minimizing costs. Develop a layout and systems design to be used with the CITY OF BROOKSIDE VILLAGE in partnership with the design team(s).

*Construction Strategy:*

Advise the project team on design and construction strategies including, but not limited to, design, architectural consultation, construction management, construction methods, phasing and sequencing, permitting, materials procurement, bidding and subcontracting, staging, and commissioning throughout the project.

*Constructability Analysis:*

Advise the project team on the construction ramifications of design scheme alternatives of all building systems, throughout the preconstruction process. Support the design teams’ investigation of similar projects, material/system alternatives, sustainability issues, geotechnical conditions, etc.

*Construction Cost Estimating & Control:*

Prepare and update both project and construction budgets and estimates. Provide construction cost estimating of design components and system alternatives (including MEP systems). Provide value analysis on a continuous basis. Produce a construction cost estimate for presentation to the Owner, Program Manager and Owner’s Architect.

*Construction Duration Estimating:*

Due to the nature of this project and typical schedule requirements, advise the project team of the construction duration implications of design scheme alternatives utilizing “just in time” and pull-schedule techniques. Provide an updated construction duration schedule estimate at each milestone of design for review by the Owner, Program Manager and Owner’s Architect.

Construction Procurement:

Develop and execute a comprehensive procurement plan for review by the Owner, Program Manager and/or Owner's Representative/or Architect. The procurement plan should include procurement timing, long-lead item planning, competitive bidding of subcontractors, detailed evaluation of proposals by all project team members, contract negotiations, etc.

**Construction Services**

Construction:

Execute construction of all portions of the project in compliance with the construction documents and all applicable laws, ordinances and codes. Retain full responsibility for the project site and the actions of all employees/subcontractors throughout construction. Construction responsibility includes, but is not limited to, the following activities: construction planning, implementation, safety management, schedule management, material management, change management, quality control, permitting/inspections, coordination with Owner operations, commissioning and Owner O&M support, and project closeout.

Occupancy, Start-Up & Operations:

Assist and prepare The CITY OF BROOKSIDE VILLAGE to run and maintain the property safely and with the lowest possible cost.

**Owner Expectations**

During the phases outlined above, The CITY OF BROOKSIDE VILLAGE will have the following expectations of the Design-Build Firm:

Performance and Payment Bonds for 100% of the total construction budget will be required within ten days of execution of the contract. Performance and Payment Bonds are not required for the design portion of this contract.

The Architect, DBF and the estimator shall attend and actively participate in regular meetings with the Owner, Program Manager, and Owner's Architect to review project status and review and update the construction cost estimate.

The DBF will be accountable for operating within the construction budget throughout the duration and completion of the project.

The DBF will prepare, and periodically update, a Project Schedule for the Owner's, Program Manager's and Owner's Architect review.

During the preparation of the Construction Documents, the DBF shall update and refine the cost estimate at established milestones, i.e. 25%, 50%, 75% and 95%. The DBF shall do this with input from Subcontractors.

At each project development milestone, each estimate shall be in a format that allows comparison from one milestone to the next.

If any estimate submitted to the Owner exceeds previously approved estimates the DBF shall make recommendations to the Owner, Program Manager and Owner's Architect to reduce the cost of the project.

The DBF shall recommend to the Owner, Program Manager and Owner's Architect to schedule for procurement of long-lead time items that will constitute part of the Work as required to meet the Project schedule.

The DBF shall propose a Guaranteed Maximum Price, which shall be the sum of the estimated Cost of the Work and the DBF's Fee and General Conditions.

In Soliciting Competitive Sealed Proposals from subcontractors, DBF shall comply with all requirements and procedures set forth in Texas Government Code Chapters 2267 and 2269, including:

- Advertising and receiving proposals from qualified subcontractors and suppliers for each section

- of the work.
- Distribute proposal packages and confirm scope of work.
- Review proposals with Owner, Program Manager and Owner's Architect, prior to Contract Award.

## VI. TERMS AND CONDITIONS

1. The terms of this agreement will be mutually agreed upon.
2. The CITY OF BROOKSIDE VILLAGE reserves the right to accept or reject all or any part of any submittal or proposal, waive minor technicalities, and award the submittal offering the best value for the CITY OF BROOKSIDE VILLAGE.
3. The CITY OF BROOKSIDE VILLAGE reserves the right to cancel this contract without pecuniary risk or penalty upon written notice.
4. If at any time the vendor fails to fulfill or abide by the terms, conditions, or specifications of this contract, the CITY OF BROOKSIDE VILLAGE reserves the right to cancel upon thirty days written notification. CONFIDENTIAL INFORMATION: Vendors to the RFQ are advised that material contained in their submittals is subject to the Public Information Act and may be viewed and/or copied by any member of the public, including news agencies and competitors.
5. The CITY OF BROOKSIDE VILLAGE reserves the right to reject any or all submittals received, or to award a contract on the basis of initial offers received without discussions or clarifications.
6. The CITY OF BROOKSIDE VILLAGE also reserves the right to conduct clarifications to resolve minor issues.
7. The CITY OF BROOKSIDE VILLAGE OBLIGATIONS: The CITY OF BROOKSIDE VILLAGE accepts no obligations for costs incurred by vendors responding to this RFQ or on being awarded the contract. CITY OF BROOKSIDE VILLAGE reserves the right to select a submittal without discussion with the vendors. It is understood that submittals shall become part of the CITY OF BROOKSIDE VILLAGE's official files. Retention of these submittals does not obligate the CITY OF BROOKSIDE VILLAGE to any action. The CITY OF BROOKSIDE VILLAGE reserves the right to reject any and all submittals received.
8. TAXES: The CITY OF BROOKSIDE VILLAGE is exempt from state, federal, and local taxes, and will not be responsible for any taxes levied on the company as a result of the contract resulting from this RFQ.
9. EQUAL OPPORTUNITY: It is the public policy of the CITY OF BROOKSIDE VILLAGE, at all levels of procurement, to promote equal opportunity in employment and in contracting opportunities, and to promote and encourage the participation of Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs), small and other disadvantaged business entities in employment and contracting opportunities involving the State as fully as possible. The term "minority business enterprise" means a business at least 51 percent of which is owned, controlled and managed by minority group members. The CITY OF BROOKSIDE VILLAGE, therefore, is committed to pursue such avenues in its employment and contracting activities which will further the goals of this policy.
10. Certificate of Interested Parties (Form 1295) – **the** CITY OF BROOKSIDE VILLAGE is required to comply with House Bill 1295, which amended the Texas Government Code by adding Section 2252.908, Disclosure of Interested Parties. Section 2252.908 prohibits the CITY OF BROOKSIDE VILLAGE from entering into a contract resulting from this proposal with a business entity unless the business entity submits a Disclosure of Interested Parties (Form 1295) to the CITY OF BROOKSIDE VILLAGE at the time business entity submits the signed contract. The Texas Ethics Commission has adopted rules requiring the business entity to file Form 1295 electronically with the Texas Ethics Commission.

This form must be filled out electronically with the Texas Ethics Commission's online filing application, printed out, signed, notarized, and returned with the signed contract.

*"Interested Party"* means a person:

- a) who has a controlling interest in a business entity with whom the CITY OF BROOKSIDE VILLAGE contracts; or

- b) who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

“Business Entity” means an entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

**As a “business entity,” the selected Design/Build Contractor must electronically complete, print, sign, notarize, and submit Form 1295 with their contract even if no interested parties exist.**

The Contractor must file Form 1295 electronically with the Texas Ethics Commission using the online filing application, which can be found at [https://www.ethics.state.tx.us/whatsnew/elf\\_info\\_form1295.htm](https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm). Contractor must use the filing application on the Texas Ethics Commission’s website to enter the required information on Form 1295. Contractor must print a copy of the completed form, which will include a certification of filing containing a unique certification number. The Form 1295 must be signed by an authorized agent of the business entity, and the form must be notarized.

The completed Form 1295 with the certification of filing must be filed with the CITY OF BROOKSIDE VILLAGE by attaching the completed form to the contract.

The CITY OF BROOKSIDE VILLAGE must acknowledge the receipt of the filed Form 1295 by notifying the Texas Ethics Commission of the receipt of the filed Form 1295 no later than the 30<sup>th</sup> day after the date the contract binds all parties to the contract. After the CITY OF BROOKSIDE VILLAGE acknowledges the Form 1295, the Texas Ethics Commission will post the completed Form 1295 to its website with seven business days after receiving notice from the CITY OF BROOKSIDE VILLAGE.

11. Vendor Representation Regarding Israel - Pursuant to HB89, effective 9/1/17, Vendor represents that it does not boycott Israel and will not boycott Israel during the term of the contract. Vendor acknowledges that in accordance with Chapter 2270 of the Texas Government Code, the CITY OF BROOKSIDE VILLAGE is prohibited from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract. The terms “boycott Israel” and “company” shall have the meanings ascribed to those terms in Section 808.001 of the Texas Government Code. ***By submitting their proposal, Contractor certifies that Contractor’s submittal/signature provides written verification to the CITY OF BROOKSIDE VILLAGE that Vendor: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the contract.***
12. Vendor Representation Regarding Iran, Sudan, or Any Known Terrorist Organization – Pursuant to SB 252, effective 9/1/17, Vendor represents that it does not conduct business with Iran, Sudan or any know terrorist organization and will not do so during the term of the contract. Vendor acknowledges that in accordance with Chapter 2252 of the Texas Government Code, the CITY OF BROOKSIDE VILLAGE is prohibited from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it (1) does not engage in business with Iran, Sudan or any other known terrorist organization and (2) will not engage in business with Iran, Sudan or any other known terrorist organization during the term of the contract. The terms “terrorist organization” and “company” shall have the meanings ascribed to those terms in Section 2252.151 of the Texas Government Code. ***By submitting their proposal, Vendor certifies that Vendor’s submittal/signature provides written verification to the CITY OF BROOKSIDE VILLAGE that Vendor: (1) does not engage in business with Iran, Sudan or any other known terrorist organization and (2) will not engage in business with Iran, Sudan or any other known terrorist organization during the term of the contract.***

## **PRE-CONSTRUCTION SERVICES**

Pre-construction Services: The Design Build Firm (“DBF”) will provide the following:

- a. Design project in coordination with the CITY OF BROOKSIDE VILLAGE, the Program Manager and the Owner’s Architect.
- b. Key project personnel shall attend regular meetings with CITY OF BROOKSIDE VILLAGE, the Program Manager and the Owner’s Architect to review project status and review and update the construction cost estimate.
- c. Consult with the CITY OF BROOKSIDE VILLAGE, the Program Manager and the Owner’s Architect regarding site use and improvements, phasing of the various project issues, selection of materials, building systems and equipment.
- d. Provide recommendations on construction feasibility including estimates of alternative designs or materials, preliminary budgets and possible economies. DBF will be required to submit written, detailed constructability reviews with each review set issued by the Architect.
- e. Prepare and routinely update a preliminary project schedule for the Program Manager’s and Owner’s Architect review and the CITY OF BROOKSIDE VILLAGE’s approval.

## **CONSTRUCTION PHASE SERVICES**

1. Provide Coordination and Management of Subcontractors
  - a. Establish site organization, including work and storage areas.
  - b. Establish jobsite management organization and jobsite procedures.
  - c. Maintain daily log for jobsite record.
  - d. Provide general conditions work to meet project requirements.
  - e. Prepare and issue change orders and contracts.
  - f. Prepare subcontractor change orders and contracts.
  - g. Monitor construction cost and projections.
  - h. Monitor and maintain quality control.
  - i. Equipment and material control.
  - j. Provide and monitor overall progress and short interval scheduling.
  - k. Prepare billings and progress payments.
  - l. Conduct subcontractor coordination meetings.
  - m. Provide coordination between subcontractors.
  - n. Prepare agendas and conduct weekly safety and progress meeting.
  - o. Prepare and distribute weekly safety and progress meeting minutes.
  - p. Establish subcontractor progress payment procedure for processing and payment.
  - q. Monitor subcontractor pay applications.
2. Monthly report
  - a. Review and summarize past month’s construction performance.
  - b. Project the coming month’s construction activities.
  - c. Present status report on change orders - delays and time extensions.
  - d. Identify problems that threaten construction quality, cost and schedule.

3. Provide change order control:
  - a. Implement system for change orders.
  - b. Allocate change order responsibilities.
  - c. Review change order requests from subcontractors.
  - d. Negotiate change orders with subcontractors.
  - e. Submit recommendations to Owner.
4. Establish a quality management program:
  - a. All members of the team participate in the quality control effort.
  - b. Project Scope Review:
    - i. Intended purpose.
    - ii. Are the project needs met?
    - iii. Existing conditions reviewed.
    - iv. Future needs.
  - c. Incorporate Restrictive Conditions in documentation to include:
    - i. Social environment, influence of neighbors, environmental impact.
    - ii. Natural conditions, grounds and peripherals.
    - iii. Research on legal requirements.
    - iv. Research on existing structures, facilities.
  - d. Review of Design Development for:
    - i. Complete construction documents in the order they are to be purchased and constructed.
    - ii. Complete documents for pre-purchased equipment.
    - iii. Design compatibility with future operation and maintenance.
    - iv. Constructability
  - e. Coordinate schedule and assist independent testing and inspection agencies selected by Owner, involving the following work:
    - i. Underground piping
    - ii. Soils
    - iii. Concrete
    - iv. Rebar
    - v. Miscellaneous steel
    - vi. Structural steel
    - vii. Mechanical systems
    - viii. Electrical
    - ix. Life safety systems
    - x. Energy management systems
    - xi. Others as required
  - f. Work with area superintendents of subcontractors
    - i. Prepare operations to minimize quality control problems

- g. Require formalized quality management program from subcontractors:
    - i. Ensure conformance to project's quality standards previously established.
  - h. Follow-up to assure correction of deficiencies on test reports
5. Job safety objectives:
- a. Conduct weekly safety meeting:
    - i. Implement project safety requirements.
    - ii. Review subcontractor safety programs.
  - b. Subcontractor conformance, initiate knowledge of OSHA requirements:
    - i. Subcontractor responsible for costs and damages.
    - ii. Submission of accident and injury reports.
    - iii. Subcontractor safety programs
    - iv. Require subcontractor safety representative.
    - v. Require forty-eight hour reports.
    - vi. Require weekly tool box safety meeting.
  - c. Maintain safety meeting minutes:
    - i. Inform subcontractors of procedures
  - d. Enforce alcohol and drug programs by subcontractors.
  - e. Implement and maintain clean-up.
6. Jobsite security functions:
- a. Monitor and control employee, vendor and public access to the jobsite.
  - b. Monitor and control material and equipment deliveries to the jobsite.
  - c. Monitor and control material and equipment being removed from jobsite through a material release form.
  - d. Monitor and control site traffic.
  - e. Monitor and perform periodic checks for alcohol and drugs.
  - f. Monitor and control tools.
  - g. Monitor material storage.
  - h. Monitor trailers and all equipment within.
  - i. Maintain proficiency first-aid and CPR programs.
  - j. Monitor compliance with the city's No Smoking policy.
  - k. Monitor compliance with the city's weapon-free zones
  - l. Monitor and control employee, vendor access or interaction with city staff.
  - m. Monitor and control compliance with the city's harassment-free environment for city staff.
  - n. Monitor and control employee, vendor theft.
  - o. Monitor compliance with Base policies.
7. Project post-construction services:
- a. Provide operating and maintenance manuals.

- b. Secure and assemble warranties or guarantees.
- c. Instruct operating personnel in equipment operating and maintenance procedures.
- d. Assist in actual start-up of equipment.
- e. Implement close-out procedures and ensure requirements are met:
  - i. Subcontractors' and vendors' final payment
  - ii. Resolution of claims
  - iii. Final change orders
  - iv. Lien releases
  - v. Final lien waivers
  - vi. Consent of sureties
- f. Assist Owner in enforcement of warranties or guaranties.
- g. Conduct walk-through with Owner and Contractor one year after project completion

**VII. INSURANCE**

1. Vendor **MUST** provide evidence of liability and workers compensation insurance with this submittal. The CITY OF BROOKSIDE VILLAGE retains the right of approval for insurance coverage.
2. The vendor shall agree to waive all right of subrogation against the CITY OF BROOKSIDE VILLAGE, its officials, employees and volunteers, the Program Manager, its officials and employees and the Owner's Architect, its officials and employees for losses arising from work performed by the DBF, its employees, subcontractors, Architects and Engineers for the CITY OF BROOKSIDE VILLAGE.
3. The vendor agrees to indemnify and hold harmless the CITY OF BROOKSIDE VILLAGE, its Board of Trustees, individually and in their official capacities, and all employees and agents of Owner, from any and all claims, actions, demands, suits, or causes of action, for personal injury, death or property damage, arising out of or related directly or indirectly to the project, brought by or on behalf of any person, group of persons, or legal entity.

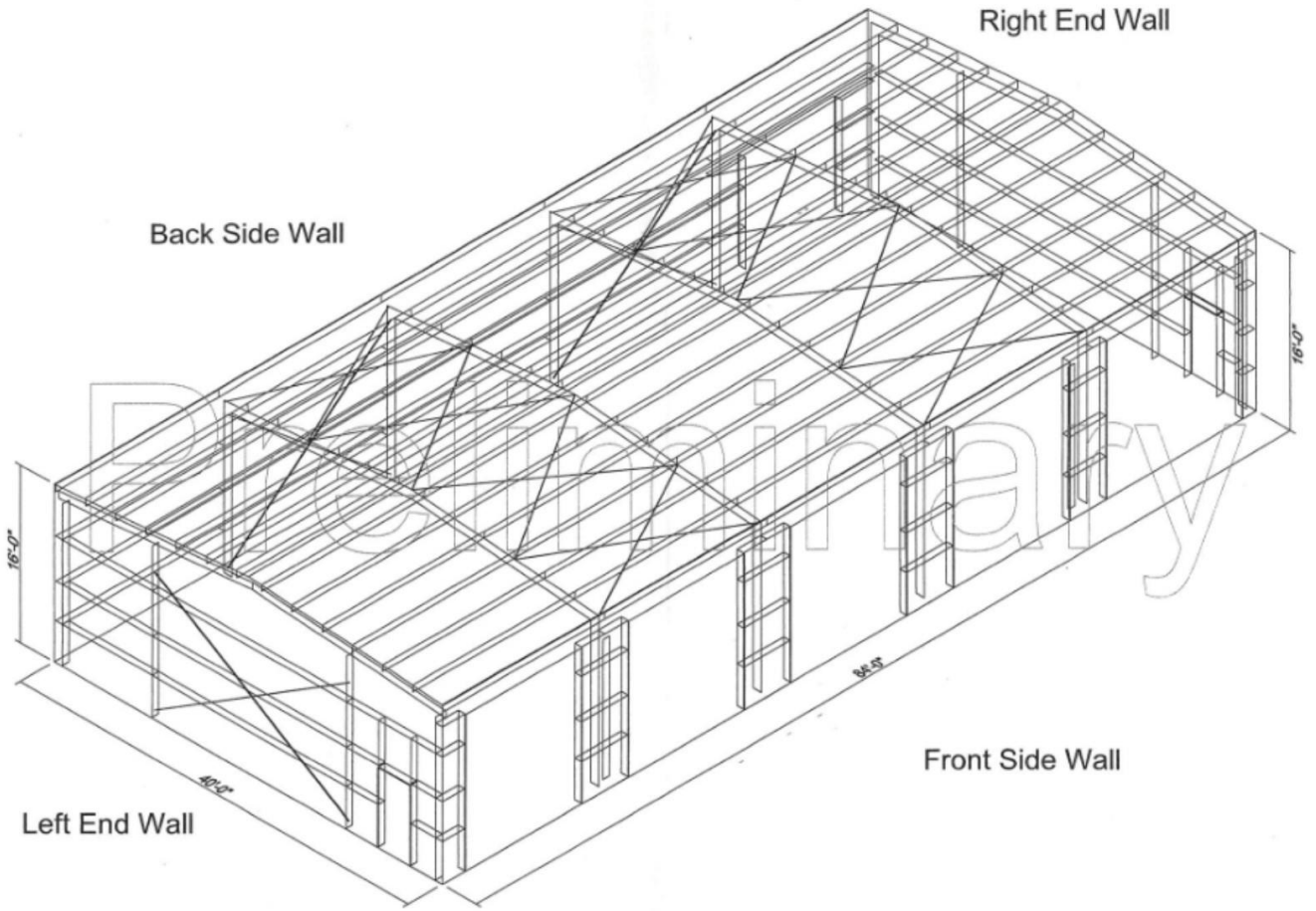
**VIII. REQUIRED CERTIFICATIONS**

Proposers are required to complete the following certifications (forms attached):

- a. Conflict of Interest Questionnaire
- b. W-9
- c. Felony Conviction Form

**IX. PROPOSED (APPROXIMATE) SITE LOCATION**

The project site is located at 12722 Welborn Rd., Brookside Village, TX 77581. Location is provided for information and planning purposes only.



# CONFLICT OF INTEREST QUESTIONNAIRE

For vendor doing business with local governmental entity

FORM CIQ

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor 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 vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

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

## OFFICE USE ONLY

Date Received

1 Name of vendor 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 on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

\_\_\_\_\_  
Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes       No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes       No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6  Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

\_\_\_\_\_  
Signature of vendor doing business with the governmental entity

\_\_\_\_\_  
Date

## **CONFLICT OF INTEREST QUESTIONNAIRE**

### **For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

- (1) the date that the vendor:
  - (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
  - (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or
- (2) the date the vendor becomes aware:
  - (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
  - (B) that the vendor has given one or more gifts described by Subsection (a); or
  - (C) of a family relationship with a local government officer.

## Request for Taxpayer Identification Number and Certification

**Give Form to the  
requester. Do not  
send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	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) ▶ _____	
	<input type="checkbox"/> Exempt payee	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code		
List account number(s) here (optional)		

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on 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 *How to get a TIN* on page 3.

Social security number									

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

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.

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

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

#### Purpose of Form

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

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

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

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

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

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

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

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

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

### **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**

#### **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/disregarded entity name” line.

**Partnership, C Corporation, or S Corporation.** Enter the entity's name on the “Name” line and any business, trade, or “doing business as (DBA) name” on the “Business name/disregarded entity name” line.

**Disregarded entity.** Enter the owner's name on the “Name” line. The name of the entity entered on the “Name” line should never be a disregarded entity. The name on the “Name” line must be the name shown on the income tax return on which the income will be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a domestic owner, the domestic owner's name is required to be provided on the “Name” line. 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 the “Business name/disregarded entity name” line. If the owner of the disregarded entity is a foreign person, you must complete an appropriate Form W-8.

**Note.** Check the appropriate box for the federal tax classification of the person whose name is entered on the “Name” line (Individual/sole proprietor, Partnership, C Corporation, S Corporation, Trust/estate).

**Limited Liability Company (LLC).** If the person identified on the “Name” line is an LLC, check the “Limited liability company” box only and enter the appropriate code for the tax classification in the space provided. If you are an LLC that is treated as a partnership for federal tax purposes, enter “P” for partnership. If you are an LLC that has filed a Form 8832 or a Form 2553 to be taxed as a corporation, enter “C” for C corporation or “S” for S corporation. If you are an LLC that is disregarded as an entity separate from its owner under Regulation section 301.7701-3 (except for employment and excise tax), do not check the LLC box unless the owner of the LLC (required to be identified on the “Name” line) is another LLC that is not disregarded for federal tax purposes. If the LLC is disregarded as an entity separate from its owner, enter the appropriate tax classification of the owner identified on the “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/disregarded entity name" line.

## 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/disregarded entity name," sign and date the form.

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 following chart 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 5 and 7 through 13. Also, C corporations.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<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, 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](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, 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 item 1, below, and items 4 and 5 on page 4 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 the "Name" line must sign. Exempt payees, see *Exempt Payee* on page 3.

**Signature requirements.** Complete the certification as indicated in items 1 through 3, below, and items 4 and 5 on page 4.

**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 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 Regulation section 1.671-4(b)(2)(i)(A))	The grantor*
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 Regulation 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 1.

\*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, social security number (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 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. 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.