

# GREATER DAYTON PREMIER MANAGEMENT

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**Request for Proposal  
RFP # 22-04  
Legal Services  
Affordable Housing Development & Construction**

<b>Issue Date</b>	May 25, 2022
<b>Pre-Proposal Meeting</b>	N/A
<b>Questions from Contractors Due</b>	June 13, 2022 @ 5:00 pm
<b>Responses from GDPM to Be Posted By</b>	June 14, 2022
<b>Proposals Due</b>	June 24, 2022 @ 10:00 am
<b>Anticipated Award Announcement</b>	July 20, 2022

**Pre-Proposal Meeting:** there is no scheduled pre-proposal meeting

**Bid-Opening:** There is not be a scheduled public bid opening. On or near the Anticipated Award Announcement date, GDPM will post the award announcement on it's website at the following link:

<https://www.gdpm.org/business-opportunities/requests-for-proposals/>

**How to Submit Bids:**

**PROPOSALS MUST BE SUBMITTED ELECTRONICALLY TO:**

[ebid@dmha.org](mailto:ebid@dmha.org)

THE SUBJECT LINE MUST STATE: **RFP 22-04 Legal Services**

*PLEASE REFER TO THE ENCLOSED INSTRUCTIONS FOR THE PROPOSAL PACKET FORMAT.*

**Questions about this Bid Shall be Submitted Electronically to:** [ebid@dmha.org](mailto:ebid@dmha.org)

Greater Dayton Premier Management reserves the right to reject any or all proposals, or waive any informality in the bidding. No proposals shall be withdrawn for a period of one hundred twenty (120) days of submission.

All awardees shall be required to meet Affirmative Action requirements and Equal Opportunity requirements and must insure that all employees and applicants for employment are not discriminated against because of race, color, religion, national origin, disability, age, ancestry, creed, or military status.

# Greater Dayton Premier Management

## RFP 22-04 - Legal Services

*Affordable Housing Development & Construction*

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**The below items are part of the Bidder's Packet.** *Most of these items must either be completed or signed or both and submitted with your sealed bid. Please submit forms in order.*

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Item 3 .....	Request for Proposals Contact Information Form
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# Greater Dayton Premier Management

Enhancing Neighborhoods • Strengthening Communities • Changing Lives

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**RFP 22-04**

## **Legal Services**

### **Affordable Housing Development & Construction**

Greater Dayton Premier Management (“GDPM” or the “Authority”) is an Ohio political subdivision and is Montgomery County’s largest landlord serving approximately 16,000 individuals annually. GDPM is currently implementing its Redevelopment Plan which includes repositioning of their public housing portfolio. GDPM received approval from the U.S. Department of Housing and Urban Development to convert 2,600+ affordable housing units from the public housing program to the Rental Assistance Demonstration (“RAD”) Project Based Voucher (“PBV”) Program.

GDPM seeks proposals from qualified individuals firms to provide Legal Services in the areas of Affordable Housing Development and Construction. The total term of the Contract is three (3) years, with two additional one (1) year options to extend.

#### **PART I: PROJECT DESCRIPTION:**

1. **Scope of Services:** GDPM requests proposals from qualified legal firms to provide services in all development and construction related legal matters. GDPM is looking for a firm with experience in the following areas of legal services: housing development and management; real property laws and codes, federal subsidy programs (i.e. public housing and Section 8 programs), and multi-family construction. Legal services under the contract which shall include, but not be limited to:
  - a. Conferring with and advising the officers, employees, and members of the Board of Commissioners of the Authority on legal matters and issues when requested.
  - b. Drafting and/or review of all legal documents, papers, contracts, agreements, certifications, resolutions, specifications, bonds, waivers, and such other legal drafting as may be required.
  - c. Advising and consulting with the Authority on all construction and development related items of a legal nature.
  - d. Guidance to the Authority and staff regarding real estate procedures, as well as the completion of real estate transactions, including the review of utility easements.
  - e. Consultation to other attorneys concerning development and construction related matters.

- f. Review of Federal guidelines and regulations and advise Authority and staff to the consequence as necessary.
  - g. Handling of all legal questions and matters arising under contracts of the Authority and rendering legal opinions on all matters submitted by the Authority.
  - h. Review and approval of all documents pertaining to temporary and permanent financing relating to all developments in the Authority inventory.
  - i. Reviewing, advising, and representing the Authority in connection with disputes arising out of the bid process.
  - j. Reviewing, advising, and representing the Authority with regard to disputes arising out of contracts between the Authority and its vendors.
  - k. Advising and representing the Authority with regard to issues and claims arising out of construction contracts.
  - l. The preparation of all documents relating to the issuance of obligations of the Authority as assistance rendered to special Bond Counsel in the issuance of definite bonds of the Authority and its programs.
  - m. All legal work in connection with acquisition and/or disposition of real property, including the examination of abstracts of title and the furnishing of a consolidated opinion of title in accordance with local regulations.
  - n. Advise and assist the Authority in establishment and maintenance of related business entities.
  - o. Advise and assist the Authority on matters subject to the US Federal Fair Housing Act of 1968. (Equal Housing Opportunity).
  - p. Other legal services as may be requested by GDPM.
2. **Firm Qualifications:** The description of respondent's qualifications and experience shall evidence/demonstrate that respondent possesses the following:
- a. A broad and practical knowledge of HUD rules, regulations, requirements, law and related procedures; knowledge of various housing programs of the U.S. Department of Housing and Urban Development (HUD) with particular emphasis on the Public and Indian Housing Programs, the Housing Choice Voucher (Section 8) Housing Programs and the Rental Assistance Demonstration (RAD) Program; experience in implementing same.
  - b. Strong analytical and interpretive skills, as well as verbal and written communication expertise, particularly with regard to housing and urban development matters; and experience in applying same.
  - c. Ability to provide legal services involving housing development and management; financing involving advance, permanent and temporary notes; litigation, real property laws and codes and federal subsidy programs.

- d. Skills, capabilities, capacity and work experience of a demonstrated level that would assure completion of the scope of work in a timely and satisfactory manner.
- e. All necessary and/or required licenses, registrations, and certifications.
- f. Certification that the firm/individual is not debarred, and has all necessary and/or required insurance coverage in effect.
- g. Ten or more years of experience representing a housing authority I development related matters or its relative equivalent.

**3. Additional Requirements:**

- a. Respondents shall be responsible for informing themselves with respect to all conditions, which might in any way affect the cost or performance of any of the work. Failure to do so shall be at the sole risk of the Respondent and no relief shall be given for errors or omissions by the Respondent.
- b. An authorized representative of the Respondent must sign proposals.
- c. This RFP does not represent a commitment or offer by GDPM to enter into contract, or other agreement with proposer. The proposal and any information made a part of the proposal will become a part of GDPM's official files without any obligation on GDPM's part to return it to the individual proposer. This RFP and the selected firm's proposal will, by reference, become a part of any formal agreement between the firm and GDPM resulting from this solicitation.
- d. GDPM reserves the right to waive any irregularities or formalities in any or all proposals. Failure to furnish all information requested may disqualify a proposer.
- e. The U.S. Department of Housing & Urban Development (HUD), the US Government Accounting Office, the State of Ohio, GDPM, and any duly authorized representatives of each, shall have access to, and the right to examine any and all pertinent books, records, documents, invoices, papers, and the like, of the firm, which shall relate to the performance of the services provided.

**PART II SUBMISSION REQUIREMENTS**

- 1. Completed bid packet: To be considered, Proposer's bid packet must be fully completed. Please read all the Instructions carefully and contact GDPM if you have any questions. A complete proposal packet will contain the following completed items:
  - a. Request for Proposal Proposer Information Form
  - b. Proposal, including all items as outlined below
  - c. Completed Non-Collusive Affidavit & Full Disclosure
  - d. Completed Section 3 Form

- e. Completed W-9, if not already provided.
2. Proposal: The following is a description of the minimum information which must be supplied in your proposal. You may give supplementary facts or other materials that you consider may be of assistance in the evaluation.
- a. *Executive Summary*: Provide a brief summary of your firm's approach to the work associated with the requested services, demonstrate an understanding of the scope of services required, and approaches to be utilized in performing these services, specifically related to the rules, regulations associated with public housing authorities.
  - b. *Experience*:
    - i. Describe how long the Attorney or Law Firm has been in business and current structure. Provide any other names under which the firm has done business and the dates it operated under each name and the locations at which it operated under each name.
    - ii. Describe the experience of the Respondent conducting comparable services during the most recent five-year period similar in scope to the services required by GDPM.
    - iii. Provide a list of companies or governmental agencies or organizations to which your firm is currently providing services. If this does not include at least three entities, then provide the names of the entities for which similar services have been provided. For each client entity include:
      - 1. The term (beginning and ending dates) of your contract agreement(s)
      - 2. A brief description of the scope of work
      - 3. The name and contact information of the individual that administered your contract(s)
      - 4. Explain the roles performed by the proposer for the client entity.
  - c. *Qualifications*: Provide the qualifications and experience the firm has in providing services outlined the project description above.
    - i. Describe Respondent's experience with public housing legal issues including applicable State of Ohio and Federal public housing regulations.
    - ii. List all key members of the firm who will be committed to this contract. Indicate the level of effort and function of each member of the firm toward the execution of this contract. Prepare an organizational structure to show how the key members will be involved. Include resumes for these individuals.

- d. *Schedule of Performance/Timeliness/Deliverables*: Each proposal shall include a description of how the firm intends to assume responsibility of existing legal matters and how soon the firm would be in a position to provide services. The description should also include the firm's availability for all future services outlined in in the Project Description above.
- e. *Affirmative Action Plans*: Explain method and procedures that your firm will use to achieve meaningful Section 3, Minority and Women Business participation in the contract.
- f. *Fee Proposal*: Provide hourly billing rates for services. Provide the structure of rates for partners, associates, paralegals, couriers, etc. Selected proposer must be capable of tracking and billing (invoicing) all work hours and materials (if reimbursable) by specific program or funding source as required by GDPM.
  - a. All costs related to this contract will be governed by federal regulations and HUD Handbook No. 7460.8 REV 2.
  - b. Awarded Respondent and GDPM will negotiate specific fees for specifics projects assigned under this Contract.

Only email submissions will be accepted. The email shall be addressed to [ebid@dmha.org](mailto:ebid@dmha.org). The subject line of the email shall state the Proposer's name and include the words "RFP 22-04 Legal Services". No late submittals will be accepted. Electronic signatures are accepted.

### **Part III. Evaluation and Selection**

**Basis for award:** Selection of successful Respondent will be at the sole discretion of GDPM. The contract will be awarded to the firm whose proposal GDPM determines to be the most advantageous, with price and other technical factors considered. GDPM intends to award one contract. However, GDPM reserve the right to award multiple contracts or to award one firm with Development Related Legal Services and another firm(s) for Construction Related Services.

Technical factors include:

1. *Experience.* Relevant experience with regard affordable housing development and construction.
2. *Qualifications.* Relevant experience with regard affordable housing development and construction.
3. *Approach/Work Plan.* Firms must identify how they plan to undertake the activities under the Scope of Services provided in Part II, and the proposed timeline.
4. *Section 3 and Small, Minority- and Women-Owned Businesses.* Firms must provide documentation regarding their status as either a Section 3 business concern or a small, minority- or woman-owned business concern.

Relative weight of technical evaluation factors:

<b><u>Factors</u></b>	<b><u>Points</u></b>
1. Experience.	30
2. Qualifications.	20
3. Approach/Work Plan.	20
4. Section 3/MBE.	10
5. Pricing.	20
<b>Total Points</b>	<b>100</b>

Price will be considered in conjunction with technical factors by the GDPM to determine the proposal that is most advantageous and offers the best value to GDPM.



## **PART IV. OTHER RELEVANT INFORMATION**

- 1. Conflicts of Interest:** The Respondent shall identify any conflicts of interest which may arise if the Respondent serves as GDPM's counsel and shall describe how it proposes to avoid such conflicts. The contract will require the Respondent to notify GDPM immediately of any potential conflicts of interest and to undertake immediate action to eliminate the source of the potential conflict. GDPM will reserve the right to make the Respondent aware of situations which may present a conflict of interest and require the Respondent to promptly remedy the situation to the satisfaction of GDPM.
- 2. Insurance:** The successful Respondent shall provide GDPM with evidence of all appropriate and applicable insurance coverage carried by the firm, including policy coverage periods. Respondents shall furnish GDPM with certificates of insurance, showing that the following insurance is in force and will insure all operations under this RFP.
  - a. Professional Liability Insurance** – The successful Respondent shall maintain a policy of professional liability insurance in the amount of at least \$2,000,000 per occurrence.
  - b. Workers' Compensation** in accordance with the State of Ohio rules and regulations
  - c. General Liability Insurance** with a single limit for bodily injury of \$1,000,000 per occurrence and property damage limit of no less than \$1,000,000 per occurrence.
  - d. Automobile liability** on owned and non-owned motor vehicles used on the site(s) or in connection herewith for a combined single limit of bodily injury and property damage of not less than \$1,000,000 per occurrence.

All insurance shall be carried with companies that are financially responsible and admitted to do business in the State of Ohio. Respondent shall not permit the insurance policies required to lapse during the period for which the Agreement is in effect. All certificates of insurance shall provide that no coverage may be cancelled or non-renewed by the insurance company until at least thirty days prior written notice.

- 3. Davis Bacon/Prevailing Wages:** Prevailing wage requirements of the Davis-Bacon and related Acts (DBRA) apply to laborers and mechanics on federal construction and most federally assisted construction projects in excess of \$2,000. If Davis Bacon applies, the Proposer shall follow all requirements including, but not limited to, submitting required documentation to evidence compliance.
- 4. Section 3:** The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent possible, provide training, employment, contracting and other economic opportunities to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide

economic opportunities to low- and very low-income persons. GDPM provides preferences to business that are registered as Section 3. For more information on Section 3 or how to register to become a Section 3 business please visit: <https://www.hud.gov/section3> or contact GDPM's Procurement Department at [procurement@dmha.org](mailto:procurement@dmha.org).

For this solicitation, Section 3 Proposers and/or acceptable Section 3 Strategy Plans will receive up to 15 preference points.

5. **Contract Documents:** The contract executed pursuant to this RFP shall include:
- a. GDPM Professional Services General Terms & Conditions
  - b. This RFP in its entirety
  - c. Required HUD Forms:
    - i. Form HUD 5369-A Instructing to Respondents – Non-Construction;
    - ii. Form HUD 5370-C General Conditions for Non-Construction Contracts, Section I

Please carefully read and review the relevant terms and conditions including, but not limited to, the GDPM insurance requirements, prior to submitting your proposal. GDPM's Professional Services General Terms and Conditions is available for review at <https://www.gdpm.org/development-construction/documents/>.

6. **Additional Information May Be Required:** If you are new to doing business with GDPM or it's been more than five years since you've worked on a GDPM related project, prior to Contract Award GDPM may require additional information including, but not necessarily limited to, references and evidence of capacity to perform. GDPM will request this information only if Proposer is selected for the award. Proposer will then have 72 hours to provide the requested information. If Proposer fails to provide the requested information, the information is inadequate or the information proves disqualifying in GDPM's discretion, GDPM will cancel the award and select the next lowest bidder for the Contract Award.
7. **Reservation of Rights:** GDPM reserves the right to reject a proposal, if, in its sole discretion, that bidder is determined not to be the best-qualified or to be deficient in experience, technical proficiency or unable to provide qualified manpower to meet the specifications. GDPM reserves the rights to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by GDPM to be in its best interests. GDPM reserves the right not to award a contract pursuant to this RFP. GDPM reserves the right to change, modify, amend, revise or alter any of the instructions, terms, conditions, and/or specifications identified in the RFP documents within any attachment or drawing, or within any addenda issued. All addenda will be posted to GDPM's website at <https://www.gdpm.org/business-opportunities/requests-for-proposals/>. 8

8. **Questions regarding this Solicitation:** If you have any questions or if you'd like to receive notifications concerning this solicitation, please send a request with your name and email address to [ebid@dmha.org](mailto:ebid@dmha.org).
9. **Term:** The initial term of this contract is two years with an option to renew for an additional two years.



# REQUEST FOR PROPOSAL PROFESSIONAL SERVICES

## Contractor Information

RFP Name

Solicitation  
No.

Prevailing Wage?

Proposal Due Date

Contract Term

### Contractor Information

Name of Business:

Primary Contact

Street Address:

Street Address Line 2:

City:

State:

Zip Code:

Contact Number:

E-mail:\*

Check at Least one  
of the Following:\*

- Section 3
- MBE/WBE
- Veteran
- None Apply

Are you currently  
suspended,  
debarred or  
otherwise deemed  
ineligible for a  
federal contract  
award?

Check box if  
addendum was  
reviewed (*don't check if  
not applicable*)

- Addendum 1
- Addendum 2
- Addendum 3
- Addendum 4
- Other

By signing below, Contractor attests that he/she has the legal power, right, and authority to make this Agreement. Contractor agrees that if selected for the Contract Award, Contractor is qualified to perform all work necessary to complete the services as specified in the Contract Documents at Contractor's quoted price. Further, Contractor has reviewed, acknowledges and accepts the provisions within the Contract Documents including, but not limited to, Form HUD 5369-B Instructions to Offerors Non-Construction, the Specifications, Contractor's bid, and the GDPM Professional Services General Terms and Conditions (up to \$250,000). Unless otherwise specified in writing by GDPM on GDPM letterhead and signed by both parties, during the term of the Contract, if any provision within the Contract Documents is in conflict with, or inconsistent with any of the GDPM General Terms and Conditions, the GDPM General Terms and Conditions shall prevail. Terms that conflict with and/or are inconsistent with the GDPM General Terms and Conditions are hereby revoked, rejected and void, even if the contract documents containing such terms are executed after the GDPM General Terms and Conditions, this includes, but is not limited to indemnification, warranty, payment, order of precedence, and integration provisions. By signing signing below, Contractor acknowledges that GDPM reserves it right to reject any and/or all bid or to cancel the solicitation at any time and for any reason(s). The total Contract Award shall not exceed \$250,000 during the entire Contract Term. Contractor's proposal shall be valid for at least 90 days subsequent to the bid opening date. GDPM Contract Documents are available at <https://www.gdpm.org/development-construction/documents/>.

\_\_\_\_\_  
Contractor Signature of Acceptance

\_\_\_\_\_  
Date

**Acceptance of Proposal:**

GDPM accepts your proposal and the Master Agreement containing the solicitation, General Terms and Conditions, and cost catalog are hereby in effect.

\_\_\_\_\_  
GDPM Signature of Acceptance

\_\_\_\_\_  
Date

## Non-Collusive Affidavit and Full Disclosure Statement

**Non-Collusive Affidavit:** The undersigned party hereby certifies that this proposal/bid is genuine and not collusive or sham; that said offeror has not colluded, conspired, connived or agreed, directly or indirectly, with any offeror or person to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference, with any person, to fix the bid price or any other offeror, or to fix any overhead, profit or cost element of said bid price, or of that of any other offeror, or to secure any advantage against the Greater Dayton Premier Management or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

**Disclosure:** The undersigned certifies that I, nor any member of my immediate family does not now, and has not for the preceding two years, had any interest, whatsoever, whether direct, or indirect, in GDPM or any of its members or officials including but not limited to any interest which yields or has the potential of yielding directly or indirectly a monetary or other material gain or benefit with any employees, officers and commissioners of GDPM and members of their immediate family, or any interest arising from blood or marriage or from close business association, notwithstanding whether any financial interest is involved with any employees, officers and commissioners of GDPM members of their families or employment or services rendered as a member, official or officer of GDPM.

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

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

\_\_\_\_\_  
(Company Name)

# Request for Taxpayer Identification Number and Certification

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

▶ Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

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

## Part I Taxpayer Identification Number (TIN)

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

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

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

## Part II Certification

Under penalties of perjury, I certify that:

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

**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 for Part II, later.

<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.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

### Purpose of Form

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

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

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

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

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting*, later, for further information.

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

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

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

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

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

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

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

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

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

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

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

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

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

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

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the instructions for Part II for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

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

Also see *Special rules for partnerships*, earlier.

## What is FATCA Reporting?

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

## Updating Your Information

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

## Penalties

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

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

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

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

## Specific Instructions

### Line 1

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

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

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

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

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

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

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

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

### Line 2

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

### Line 3

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

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

### Line 4, Exemptions

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

#### Exempt payee code.

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

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

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



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

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

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

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

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

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

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

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

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

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

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

G—A real estate investment trust

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

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

J—A bank as defined in section 581

K—A broker

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

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

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

## Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

## Line 6

Enter your city, state, and ZIP code.

## Part I. Taxpayer Identification Number (TIN)

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

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, 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 *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/Businesses](http://www.irs.gov/Businesses) and clicking on Employer Identification Number (EIN) under Starting a Business. Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

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

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

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

## Part II. Certification

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

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

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

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.**

You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.**

You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.**

You must sign the certification. You may cross out item 2 of the certification.

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

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), 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) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*
For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee

For this type of account:	Give name and EIN of:
14. 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
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

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

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

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

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

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

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

**Secure Your Tax Records From Identity Theft**

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

To reduce your risk:

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

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

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

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

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

**Protect yourself from suspicious emails or phishing schemes.**

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

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

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

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

## Privacy Act Notice

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



# SECTION 3 BUSINESS CONCERN APPLICATION

Are you a Section 3 business?                      Yes                      No

\*If you select 'No' to the above question you do not have to complete this form\*

---

Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that helps foster local economic development, neighborhood economic improvement, and individual self sufficiency. The Section 3 program requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low-or very-low income residents in connection with projects and activities in their neighborhoods.

**Name of Business:**

**Contact Name:**

**Contact Person's Title:**

**Street Address:**

**Street Address Line 2:**

**City:**

**State:**

**Zip Code:**

**Phone Number:**

**Other Phone:**

**E-mail Address:**

**Type of Business:**

(please attach supporting documentations)

**Services Your  
Business Provides:**

# GDPM SECTION 3 BUSINESS CONCERN

I certify that \_\_\_\_\_ (company's name) is applying to become a bona fide Section 3 business concern, and that it will meet the following definition of a Section 3 business concern:

Check at least one of the following:      Category 1      Category 2      Category 3      Category 4

**Category 1**

Business concerns that are 51 percent or more owned by residents of GDPM housing or developments for which the Section 3 covered assistance is expended, or whose full-time, permanent workforce includes 30 percent of GDPM Residents as employees.

**Category 2**

Business concerns that are 51 percent or more owned by residents of other housing developments or developments managed by the GDPM that is expending the Section 3 covered assistance, or whose full-time, permanent workforce includes 30 percent of these persons as employees.

**Category 3**

HUD YouthBuild programs being carried out in the metropolitan area (or non-metropolitan county) in which the Section 3 covered assistance is expended.

**Category 4**

Business concerns that are 51 percent or more owned by section 3 residents, or whose permanent, full-time workforce includes no less than 30 percent of employees who meet the low-income guidelines and live in the GDPM covered assistance area; or businesses that provide evidence of a commitment to subcontract in excess of 25 percent of the total dollar award of all subcontracts to be awarded to Section 3 business concerns.

**Note:** If you certify above that your business is a Section 3 Business, and you qualify for award of the contract based on the preference given to section 3 businesses and described in the solicitation, GDPM may request additional documentation and information as needed. If you have any questions about this form, please our Procurement Department at (937) 910-7500, or by send an e-mail to [procurement@gdpm.org](mailto:procurement@gdpm.org).

*“I hereby certify the information provided by me to be true and correct, and understand any falsification of any of the information could subject me to punishment under the law.”*

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Date



Dayton Metropolitan Housing Authority dba  
 Greater Dayton Premier Management  
 400 Wayne Ave., Dayton, Ohio 45410  
 Telephone (937) 910-7500  
 Fax (937) 910-7628  
 Email [procurement@gdpm.org](mailto:procurement@gdpm.org)



## Supplemental Instructions to Contractors for Section 3 Compliance (sec3-008)

Section 3 is a part of the U.S. Department of Housing and Urban Development (HUD) Act of 1968. This Act and HUD Regulation **24 CFR Part 135** ensures that employment and other economic opportunities generated by certain HUD financial assistance shall be directed to public housing residents, individuals of low to very low income, and to business concerns that provide economic opportunities to these individuals. Current contract is under regulation of 24 CFR part 135.

### GDPM Section 3 Goals

All contractors and subcontractors shall take necessary actions **to the greatest extent feasible** to meet the following goals. **GDPM expects a responsive Contractor to show its commitment to and compliance with Section 3 goals on each project as outlined within the below requirements and documentation.**

#### Section 3 Employment Goals

Contractors and any Tier Subcontractors	New Hires and Trainees	Minimum 30% of workforce
---	------------------------	--------------------------

#### Section 3 Contracting Goals

Contractors Any Tier Subcontractors ( <b>construction</b> )	Subcontract Awards	Minimum 10% of the total dollar amount of contract
Contractors and Any Tier Subcontractors ( <b>non-construction; professional services</b> )	Subcontract Awards	Minimum 3% of the total dollar amount of contract

### GDPM Award Process and Contractor Commitment to Section 3 Goals

*Procurement under the competitive proposals method of procurement (Request for Proposals (RFP)).*

A Request for Proposals (RFP) shall identify all evaluation factors (and their relative importance) to be used to rate proposals. One of the evaluation factors shall address both the preference for Section 3 business concerns and the acceptability of the strategy for meeting the greatest extent feasible requirement (Section 3 strategy), as disclosed in proposals submitted by all business concerns (Section 3 and non-Section 3 business concerns). This factor shall provide for a range of 15 to 25 percent of the total number of available points to be set aside for the evaluation of these two components. The contract award shall be made to the responsible firm (either Section 3 or non-Section 3 business concern), whose proposal is determined most advantageous, considering price and all other factors specified in the RFP.

*Procurement by sealed bids (Invitations for Bids).*

An award shall be made to the qualified Section 3 business with the highest priority ranking and with the lowest responsive bid if that bid:

- (A) is within the maximum total contract price established in the contracting party's budget for the specific project for which bids are being taken, and
- (B) is not more than "X" higher than the total bid price of the lowest responsive bid from any responsible

	x=lesser of:
When the lowest responsive bid is less than \$100,000.	10% of that bid or \$9,000.
When the lowest responsive bid is:	
At least \$100,000, but less than \$200,000.	9% of that bid, or \$16,000.
At least \$200,000, but less than \$300,000.	8% of that bid, or \$21,000.
At least \$300,000, but less than \$400,000.	7% of that bid, or \$24,000.
At least \$400,000, but less than \$500,000.	6% of that bid, or \$25,000.
At least \$500,000, but less than \$1 million.	5% of that bid, or \$40,000.
At least \$1 million, but less than \$2 million.	4% of that bid, or \$60,000.
At least \$2 million, but less than \$4 million.	3% of that bid, or \$80,000.
At least \$4 million, but less than \$7 million.	2% of that bid, or \$105,000.
\$7 million or more.....	1 1/2% of the lowest responsive bid, with no dollar limit.

If no responsive bid by a Section 3 business concern meets the requirements above, the contract shall be awarded to a responsible bidder with the lowest responsive bid.

## **Bid/Proposal Phase**

### **Bidder/offoror not claiming a section 3 preference:**

1. Bidder/offoror not claiming a Section 3 preference during the bid/proposal phase shall submit the following forms with their bid/offer. Failure to complete, execute, and submit all forms will render the bidder/offer non-responsive and their bid/offer will not be considered.

- Form sec3-001b, List of Current (pre-bid) Employees
- Form sec3-001e, Section 3 Strategy Commitment and Compliance Assessment

2. **Bidder/offoror claiming a Section 3 Business Concern preference:**

A bidder/offoror claiming a Section 3 Business Concern preference must submit Section 3 required certification. To qualify, the party wishing to claim a Section 3 preference shall complete the following forms and submit them either prior to or with the bid/offer for which qualification is sought:

### **For all individuals, sole proprietorships, partnerships, corporations, or joint ventures with a 51% ownership claiming a Section 3 preference**

- Form sec3-001a, Section 3 Business Concern Application and all required supporting documentation
- Form sec3-001b, Section 3 Employee List and all required supporting documentation
- Form sec3-001e, Section 3 Strategy Commitment and Compliance Assessment

### **For businesses claiming 30% of their current full-time workforce qualify as section 3 residents, or within three years of the date of first employment with the business concern were section 3 residents**

- Form sec3-001a, Section 3 Business Concern Application
- Form sec3-001b, Section 3 Employee List and all required supporting documentation
- Form sec3-001c, Section 3 Contractor or Subcontractor Payroll Report completed for each F/T employee who has been employed at least one month. This includes all employees of the company
- Form sec3-001e, Section 3 Strategy Commitment and Compliance Assessment
- Form sec3-002a, Section 3 Resident Preference Claim Form and all required supporting documentation (to be completed for each Section 3 resident claimed in meeting the 30% threshold)
- Form sec3-002b, Section 3 Resident or Employee Household Income Certification (to be completed for each Section 3 resident claimed in meeting the 30% threshold)

### **For businesses claiming to subcontract in excess of 25 percent of the dollar award of all subcontracts to be awarded to business concerns that meet the qualifications set forth in paragraphs (1) or (2) above**

- Form sec3-001a, Section 3 Business Concern Application and all required supporting documentation for each individual, sole proprietorship, partnership, corporation, or joint venture claimed on the subcontractor list
- Form sec3-001b, Section 3 Employee List and all required supporting documentation
- Form sec3-001d, Section 3 Contractor or Subcontractor Payroll Report (this list must demonstrate that 25% of the total dollar amount of all subcontracts to be awarded to Section 3 business concerns)

- Form sec3-001e, Section 3 Strategy Commitment and Compliance Assessment
- Form sec3-002a, Section 3 Resident Preference Claim Form and all required supporting documentation (to be completed for each Section 3 owner/employee claiming Section 3 resident status as a subcontractor)
- Form sec3-002b, Section 3 Resident or Employee Household Income Certification (to be completed for each Section 3 owner/employee claiming Section 3 resident status as a subcontractor)

**For a Section 3 joint venture** as an association of business concerns, one of which qualifies as a Section 3 business concern, formed by written joint venture agreement to engage in and carry out a specific business venture. As a part of joint venture, Section 3 business concern must be:

1. Responsible for a clearly defined portion of the work to be performed and hold management responsibilities in the joint venture; and
2. Performing at least 25 percent of the work and is contractually entitled to compensation proportionate to its work.

If there is any question about the validity of a joint venture, GDPM shall request a copy of the joint venture agreement and verify its legitimacy.

- Form sec3-001a, Section 3 Business Concern Application and all required supporting documentation
- Form sec3-001b, Section 3 Employee List and all required supporting documentation
- Form sec3-001e, Section 3 Strategy Commitment and Compliance Assessment

### **Completing the Section 3 Strategy Commitment**

In completing the Section 3 Strategy Commitment, the bidders/offoror's efforts shall be directed towards identifying methods to achieve success under this program, as opposed to documenting the reasons why success was not achieved. Some examples of good faith efforts include, but are not limited to the following:

Hiring:

Target recruitment of GDPM residents for training and employment by taking steps such as:

- Prominently placing a notice of commitments under Section 3 at the project site or other places where applications for training and employment are taken
- Contacting local job training centers, employment service agencies, and community organizations
- Developing on-the-job training opportunities or participating in job training programs
- Contacting GDPM, GDPM resident councils, GDPM resident management corporations, and GDPM residents
- Contacting GDPM for a list of agencies that may be able to provide assistance regarding opportunities for training, which can be utilized on this contract
- Advertising in the local media
- Keeping a list of Section 3 area residents who apply on their own or by referral for available positions
- Sending to labor organizations or representatives of workers with whom the recipient, contractor, or subcontractor has a collective bargaining agreement or other understanding, a notice about contractual commitments under Section 3
- Selecting Section 3 area residents, particularly GDPM residents, for training and employment positions

- Providing an ongoing monitoring of the program by the contractor and its subcontractors to ensure compliance and to identify problems or difficulties in meeting the requirements, and implement strategies to overcome the problems. Where problems or difficulties in meeting the goals are encountered, taking aggressive efforts to rectify the matter. Such action shall include, but not be limited to, convening a meeting with GDPM to advise it of the problems and proposed solutions. GDPM will offer its assistance whenever possible.

Contracting:

Target recruitment of Section 3 business concerns by taking such steps as:

- Contacting Section 3 business concerns in GDPM's directory
- Prominently placing a notice of commitment relative to Section 3 contracting at the project site and other appropriate places
- Contacting GDPM for a list of certified firms
- Contacting other organizations which might be helpful in identifying Section 3 business concerns
- Advertising in the local media
- Dividing total work into smaller sub-tasks (i.e. by floor)
- Using multiple firms for the same type of work (i.e. two drywall subcontractors or several plumbing suppliers)
- If necessary to meet the program objectives, exercising flexibility in utilizing Section 3 business concerns in other or additional areas than initially proposed
- Providing ongoing monitoring of the program by the contractor and its subcontractors to ensure compliance and to identify problems or difficulties in meeting the requirements, and implement strategies to overcome the problems. Where problems or difficulties in meeting the goals are encountered, take aggressive efforts to rectify the matter. Such action shall include, but not be limited to convening a meeting with GDPM to advise it of the problems and proposed solutions. GDPM will offer its assistance whenever possible.

#### Pre-Award Phase

Subsequent to the submission of bids/proposals, but prior to contract award, contractors may be requested to provide additional information regarding the submissions required in the Bid/Proposal Phase. Such requests may be made in instances where the contractor does not show sufficient detail in its required Section 3 Strategy Commitment, where the contractor's required submissions do not reflect achievement of the minimum stated goals, where the contractor has not identified the name of the Section 3 subcontractor(s) in the required submissions, or where it is deemed necessary by GDPM's Contracting Officer.

#### Contract Award Phase

As a condition of contract award, the contractor shall be required to enter into a Section 3 Memorandum of Understanding delineating the "greatest extent feasible" efforts required of the contractor during the term of the contract. Form sec3-009, Section 3 Memorandum of Understanding shall be used.

#### Contract Performance Phase

GDPM shall monitor and evaluate the contractor's Section 3 compliance towards achieving the numerical goals relative to Section 3 employment, training, and contracting on a **monthly basis** throughout the contract period. The contractor shall be responsible for providing the following reports to GDPM, which shall be submitted no later than 4:30 p.m., on the first business day of each month throughout the contract period:

- Form sec3-010, Contractor's Section 3 Employment and Training Compliance Report

The contractor shall also ensure that for each Section 3 resident hired, form sec3-002a, Section 3 Resident Preference Claim and form sec3-002b, Section 3 Resident or Employee Household Income Certification are completed and submitted to GDPM. These forms shall be completed by the resident and submitted to GDPM by the contractor with the monthly reports listed above.

The contractor shall be responsible for monitoring the compliance of any tier subcontractors. In doing so, the contractor shall require monthly reports from its lower tier subcontractors in the formats provided.

#### Determination of Compliance

Contractors and their subcontractors may demonstrate compliance with Section 3 by meeting the commitments stated on the Form sec3-001e, Section 3 Strategy Commitment and Compliance Assessment and by meeting the employment and contracting numerical goals set forth above. Contractors who do not meet their commitment **shall have the burden of demonstrating through the submission of supporting documentation why it was not feasible to meet the numerical goals.** It is expected that contractors who put forth a good faith effort will be successful in meeting the goals relative to Section 3 employment and contracting.

#### Effects of Non-Compliance

Contractors that do not meet the numerical goals set forth herein have the burden of demonstrating why it was not feasible to meet the goals. GDPM shall consider documentation provided by the contractor evidencing impediments encountered despite actions taken to comply. Such evidence shall be subject to the satisfaction of GDPM. The documentation may be subject to the examination of GDPM's Board of Commissioners prior to the award of any future contract awards. **Contractors found not to be in compliance with the provisions of Section 3 may be deemed ineligible for future contract awards with GDPM or at least be subject to business suspension from doing business with GDPM for one to three years.**

For complete set of forms please visit: <http://www.gdpm.org/doing-business-with-gdpm/section-3-overview/section-3.html>

For any questions on Section 3, please e-mail [procurement@gdpm.org](mailto:procurement@gdpm.org) or mail

Section 3 Procurement Office  
400 Wayne Avenue  
Dayton Oh 45410-1106

Telephone: 937-910-7617  
Fax: 937-910-7628



## **Is your Proposal Packet Complete?**



**Are the following forms completed, signed and in your Proposal Packet?**

- 1. Request for Proposal Professional Services Contractor Information Sheet**
- 2. Proposal including all Sections Identified in the Submission Requirements**
- 3. W-9 (if not already registered with GDPM)**
- 4. Non-Collusive Affidavit & Full Disclosure Form**
- 5. Section 3 Form**