

**NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

**INVITATION TO BID NO. 13B-006**

**TREASURE ROAD HYDROLOGIC ENHANCEMENT PROJECT**

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, FL 32333, is soliciting bids from qualified firms for construction services for the Treasure Road Hydrologic Enhancement Project. This work is being performed to restore natural surface water drainage patterns, enhance wetland function, and improve the quality and timing of surface water runoff within the St. Joseph Bay State Buffer Preserve. Construction activities include the construction of six hardened low water crossings and sixteen earthen ditch plugs.

The deadline for submission of bids is 3:00 P.M. ET, MAY 15, 2013. The opening of bids is open to the public and will be at District headquarters (U.S. Highway 90, 10 miles west of Tallahassee, FL). Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice. All bids must conform to the instructions in the Invitation To Bid (ITB) and comply with applicable Florida Statutes. Interested parties may obtain a copy of the complete ITB package at the above address or by calling (850) 539-5999 or visit the District's website at <http://www.nwfwmd.state.fl.us/> or on the state Vendor Bid system through the BUSINESS link at MyFlorida.com.

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**PART I**  
**GENERAL INFORMATION**

**1-1 DEFINITIONS**

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

**1-2 PURPOSE**

This invitation to bid (ITB) provides guidelines for the submission of bids for the project entitled:

**TREASURE ROAD HYDROLOGIC ENHANCEMENT PROJECT**

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

Division of Resource Management  
Northwest Florida Water Management District  
81 Water Management Drive  
Havana, Florida 32333

Hereinafter referred to as the "District"

**THE DISTRICT MUST RECEIVE ALL BIDS BY 3:00 P.M. ET  
ON MAY 15, 2013**

**1-4 INVITATION TO BID**

The District solicits bids for the construction of six hardened low water crossings and sixteen earthen ditch plugs along Treasure Road located within the St. Joseph Bay State Buffer Preserve in Gulf County, Florida.

A pre-bid conference will be held at District Headquarters in Midway, Florida, located on US Highway 90, approximately 10 miles west of Tallahassee, at 10:00 a.m. Eastern Time on May 2, 2013. Sealed bids will be received until 3:00 p.m. Eastern Time on May 15, 2013 at the Northwest Florida Water Management District Headquarters. The opening of the bids is open to the public. All bids must comply with applicable Florida Statutes.

## **1-5 CONTRACT AWARDS**

The District anticipates entering into a contract with the respondent who submits the bid judged by the District to be the most advantageous. The District anticipates awarding one contract which is in its best interests.

**The respondent understands that this bid does not constitute an agreement or a contract with the District. An official contract or agreement is not binding until the bids are reviewed and accepted by appointed staff, approved by the appropriate level of authority within the District, and the contract or agreement is executed by both parties.**

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

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

Notice of a bid award shall be posted in the office of the Agency Clerk. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of the proceedings under Chapter 120, Florida Statutes.

## **1-6 DEVELOPMENT COSTS**

The District shall not be responsible or liable for any expenses incurred in connection with the preparation of a response to this bid. Respondents should prepare the bid simply and economically, to provide a straightforward and concise description of the respondent's ability to meet the requirements of the bid.

## **1-7 INQUIRIES**

The District encourages interested parties to contact the District to discuss this ITB. Linda Chaisson, P.E., Bureau of Surface Water Management, will receive questions concerning this bid at (850) 539-5999, from 8:00 A.M. to 4:00 P.M. ET weekdays, from the date of this release to 3:00 P.M. ET on May 15, 2013. The District may provide written answers to substantive questions in the form of written addenda to all respondents who requested the bid package.

If addenda are issued, the District will post addenda on the District web site and State Vendor Bid System web site at least seven calendar days before the bid opening date. All respondents should contact the District at least seven days before the bid opening date to ascertain whether any addenda have been issued.

## **1-8 TIMETABLE**

The District and respondents shall adhere to the following schedule in all actions concerning this bid.

- A. On April 16, 2013 the District issues the invitation to bid.
- B. A pre-bid conference will be held at District Headquarters in Midway, Florida, located on US Highway 90, approximately 10 miles west of Tallahassee, at 10:00 a.m. Eastern Time on May 2, 2013.
- C. From April 16, 2013, to 3:00 P.M. ET on May 15, 2013, the District will receive and answer inquiries (received by telephone and/or by mail).
- D. The District must receive the bids by the 3:00 P.M. ET opening time on May 15, 2013.
- E. From opening time, the District will review and evaluate the bids on a timely basis.
- F. The District intends to enter into a contract after conducting negotiations and obtaining appropriate approval from the District Governing Board.

## **1-9 DELAYS**

The District may delay scheduled due dates if it is to the advantage of the District to do so. The District will notify respondents of all changes in scheduled due dates by posting the information of the District web site and State Vendor Bid system web site.

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

Deliver four copies of the bid in a single sealed envelope or container to:

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

**Please be advised that mail delivery to the District is not always by 3:00 PM ET.**

**For deliveries via courier service, please use the address below:**

Northwest Florida Water Management District  
U.S. Highway 90 west, 10 miles west of Tallahassee in Midway

**To facilitate the processing, the face of the envelope shall state in capital letters: “SEALED BID (ITB # 13B-006, TREASURE ROAD HYDROLOGIC ENHANCEMENT PROJECT) TO BE OPENED MAY 15, 2013, 3:00 PM ET AT THE HEADQUARTERS OF THE NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT.”**

The sealed envelope or box shall also include the respondent's name and business address. **Bids received by the bid submission deadline but not properly sealed and marked may not be considered.** Respondents shall submit **four (4)** copies of the bid in a sealed, opaque envelope or box. The respondent may submit the bid in person, by mail or by courier. Respondents who utilize courier service packing and shipping materials should place the bids in a sealed and labeled envelope or box inside the courier-supplied shipping materials. Please be advised that mail delivery to the District is not always by 3:00 p.m. Eastern Time. Receipt of a bid by any District office or personnel other than the District receptionist at the headquarters office located at 81 Water Management Drive in Midway, Florida or the Division of Administration does not constitute "delivery" as required by this ITB.

**THE DISTRICT MUST RECEIVE ALL BIDS BY 3:00 PM ET ON MAY 15, 2013.**

The District cautions the respondents to assure actual delivery of mailed or hand delivered bids directly to the District's Division of Administration prior to the deadline set for opening. Telephone confirmation of timely receipt of the bid may be made by calling (850) 539-5999 and asking for the Agency Clerk before the bid opening time. Bids received after the established deadline will not be considered.

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

All bids must be made on the required BID form (Part IX of this Invitation To BID). All blank spaces for BID prices must be filled in, in ink or typewritten, and the BID form must be fully completed and executed when submitted. The DISTRICT may waive any informalities or minor defects or reject any and all BIDS.

RESPONDENTS must satisfy themselves of the accuracy of their estimated quantities in the BID Form by examination of the site and a review of the drawings and specifications including ADDENDA. After BIDS have been submitted, Respondents shall not assert that there was a misunderstanding concerning the quantities of WORK or of the nature of the WORK to be done.

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

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

The CONTRACT DOCUMENTS contain the provisions required for the construction of the PROJECT. Information obtained from an officer, agent, or employee of the DISTRICT or any person shall not affect the risks or obligations assumed by the CONTRACTOR or relieve him from fulfilling any of the conditions of the contract.

Each BID must be accompanied by a BID BOND payable to the DISTRICT for five percent of the total amount of the BID. After the BID prices have been evaluated, the DISTRICT will return the BID BONDS for all BIDS but the three lowest qualified BIDS. When the Agreement is executed, the bonds of the two remaining unsuccessful BIDDERS will be returned. The BID BOND of the successful BIDDER will be retained until the performance BOND has been executed and approved, after which the BID BOND will be returned. A certified check may be provided to the District in lieu of a BID BOND and should be made payable to: “NFWMD or BIDDER”.

A PERFORMANCE BOND in the amount of 25 percent of the CONTRACT PRICE, with a corporate surety approved by the DISTRICT, will be required for the faithful performance of the contract. A certified check may be provided to the District in lieu of a PERFORMANCE BOND made payable to: “NFWMD”.

Attorneys-in-fact who sign BID BONDS and PERFORMANCE BONDS must file with each BOND a certified and effective dated copy of their power of attorney.

The party to whom the contract is awarded will be required to execute the Agreement and obtain the PERFORMANCE BOND within ten (10) calendar days from the date when NOTICE OF AWARD is delivered to the BIDDER. The NOTICE OF AWARD shall be accompanied by the necessary AGREEMENT and Bond forms. In case of failure of the BIDDER to execute the Agreement, the DISTRICT may at its option consider the BIDDER in default, in which case the BID BOND accompanying the BID shall become the property of the DISTRICT.

The successful BIDDER shall supply the names and addresses of major material SUPPLIERS and SUBCONTRACTORS when requested to do so by the DISTRICT.

## **1-11 ADDENDA**

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

## **1-12 EQUAL OPPORTUNITY**

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

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

The District encourages participation by minority business enterprises (MBE) and requests MBE's to submit evidence of such designation with their bid. For further information on designation as a minority business enterprise, prospective respondents may contact the District's Bureau of Finance and Accounting at (850) 539-5999. A vendor registration form is included in this ITB package.

## **1-13 ORAL PRESENTATIONS**

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

## **1-14 NEWS RELEASES**

The respondent should obtain prior approval of the District for all news releases or other publicity pertaining to this bid or the service or any project to which it relates.

## **1-15 INSURANCE**

The respondent, if awarded a contract, shall maintain adequate insurance coverage. In the event the respondent is a self-insured organization, different insurance requirements may apply. Misrepresentation of any material fact, whether intentional or not, regarding the respondent's insurance coverage, policies or capabilities may be grounds for rejection of the bid and rescission of any ensuing contract. The Contractor shall obtain all coverage as may be required by Florida law, including Workers Compensation. Further, the Contractor shall be insured for vehicle liability and public liability, with limits not less than \$300,000 per person, \$500,000 per occurrence for personal injury, and \$300,000 for property damage coverage. Evidence of all such insurance satisfactory to the respondent shall be furnished prior to beginning operations, and all such insurance policies shall provide for 10 days notice to the respondent of cancellation or any material change in the terms of the insurance policies.

## **1-16 PUBLIC ENTITY CRIMES**

"A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or



repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."

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

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

### **1-18 VENDOR CHECKLIST**

Please review the checklist for this bid (ITB No. 13B-006) to ensure that you have properly followed the instructions. Many bids and proposals are rejected because the respondent simply failed to comply with required preparation and submission requirements.

- Have you performed a final review of your bid to ensure you included all required documentation?
- Have you verified all amounts to ensure that they are complete and accurate?
- Have you signed the Bidder Acknowledgment form on page 22 and included it in your package?
- Have you completed the Bid Format (9-1) and Bid Form (9-2) on pp. 23-25 and included them in your package?
- IS YOUR ENVELOPE PROPERLY MARKED? See page 5 of this ITB for further details. Most rejected bids are caused by the respondent failing to properly mark their package. All incoming correspondence is opened when received unless properly marked for a specified opening date and time. If your bid is opened prior to the designated date and time, it cannot be considered.
- Have you selected the method of shipping that will ensure that your response will arrive before the deadline? Responses received after the date and time specified will not be considered.
- Have you completed the Vendor Registration (9-3) and W-9 Forms (attached) and included them in your package?

- Have you provided evidence of your Minority Business designation, if applicable? Please attach any pertinent documents to the Invitation to Bid package.
- Have you included Proof of Registration in the State of Florida as a licensed Contractor?
- If applicable, have you completed and included all addenda receipt forms per 1-11?

The following additional documents must be included and attached to your final bid:

- Copies of your current insurance coverage, limits, etc.
- Bid Bond of five percent (5%) of bid amount as described in 1-10 and 3-1.

## **PART II** **SCOPE OF SERVICES**

### **2-1 PROPOSED CONSTRUCTION**

The District is implementing a hydrologic restoration project to restore historic surface water drainage patterns and wetland hydrology along Treasure Road within the St. Joseph Bay State Buffer preserve. The St. Joseph Bay State Buffer Preserve (Buffer Preserve), located immediately adjacent to SR 30A construction impacts, owns and manages for ecological integrity over 5,000 acres of generally high quality natural habitat for the express purpose of protecting the aquatic resources of St. Joseph Bay and to conserve and restore environmentally sensitive ecosystems. Treasure Road, a dirt road raised above natural grade and necessary for management access, disrupts the natural hydrology of adjacent hydric pine flatwoods and other wetlands by interfering with overland sheet flows and altering wetland moisture regimes. This mitigation project will offset the wetland functional loss associated with FDOT road improvements on SR 30A (from SR 30E/Cape San Blas Road north to US 98) by enhancing 37.96 acres of palustrine wetlands. The construction activities include the construction of six low water crossings and sixteen earthen ditch plugs.

All construction will be located within Section 7, Township 9 South, Range 10 West and Section 12, Township 9 South, Range 11 West, in the St. Joseph Bay State Buffer Preserve in Gulf County.

## 2-2 GENERAL SPECIFICATIONS – ALL SITES

1. CONTRACTOR will furnish sufficient personnel, materials and equipment to perform the work identified in this Scope of Service (SOS).
2. All work must be done in coordination with the District's project manager (Linda Chaisson 850 539-5999) and the St. Joseph Bay State Buffer Preserve (Buffer Preserve). The point of Contact for the Buffer Preserve is Dylan Shoemaker (phone 850 229-1787).
3. All excavations shall conform to the State of Florida Trench Safety Act and OSHA requirements.
4. Protection of Desirable Vegetation  
No cypress trees greater than 6 inches in diameter should be removed or destroyed during construction activities.

Stockpiling of road-fill materials, vegetation / brush, or construction materials, vehicular parking, and excessive foot or vehicular traffic shall not be allowed within natural areas such as wetlands or pine flatwoods. Stockpiled materials will not be allowed to bury vegetation that is designated to remain in place.

Basic measures for protection in wetland areas, such as avoiding material storage, fueling and servicing equipment, undertaking equipment maintenance, and cleaning should be implemented to reduce impacts from construction.

5. Temporary Stockpiling of Road-Fill Material and Vegetation  
Stockpiled clean road-fill material will be needed to meet minimum cover requirements and road restoration specifications to construct the earthen ditch plugs.

Temporary stockpiles must be located in areas designated by the District representative and the Buffer Preserve.

Stockpiling of brush and trees is not allowed in natural areas such as wetlands or woods. Material will not be placed in areas that have the potential to wash down slopes or into the wetlands or watercourses.

Temporary stockpiles will not exceed 6 feet in height and side slopes will be limited to 3:1 or flatter.

Erosion and sediment controls, such as silt fences, may be needed around the perimeter of the stockpile to prevent the transportation of soils from the area.

6. Suspension of Work During Inclement Weather.  
Construction will be carried out during dry weather conditions to the extent practical and erosion and sedimentation control measures will be implemented. Excavations and other construction activities may be suspended during periods of inclement weather or high

wetland and ditch water levels if there is potential for environmental damage. The District's project manager will make decisions regarding suspension of construction activities to prevent environmental damage. If necessary, the CONTRACTOR may be required to temporarily suspend construction activities (up to a week or more) during inclement weather at no additional cost to the District.

7. Erosion and Sedimentation Control.

*Staging of construction activities.* The excavation and moving of soil materials shall be scheduled in stages to minimize the size of areas disturbed and unprotected from erosion for the shortest reasonable time.

*Protection of Desirable Vegetation.* Stockpiling, vehicular parking and excessive foot or vehicular traffic will not be allowed within wetland areas. Material storage, fueling and servicing equipment, undertaking equipment maintenance, and cleaning will not be performed in or immediately adjacent to wetland areas. Erosion and sediment controls, such as silt fences, may be needed around the perimeter of stockpiles to prevent the transportation of soils from the area.

*Best Management Practices for Erosion Control.* Best Management Practices (BMPs) for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges into waters of the state. Silt and sedimentation control measures shall be installed and properly maintained at all points where runoff from disturbed areas could result in water quality violations of Chapter 62-302, F.A.C. Erosion control measures which will minimize impacts to wetlands and wetland vegetation will be used during construction activities. This can be accomplished by the use of floating turbidity barriers, floating silt screen/curtains, sediment basins, earthen berms, and straw, geotextile or similar bale or log barriers which are free of exotic or noxious weed species. The use of staked silt fences is not recommended except to contain stockpiles in areas such as roadbeds that are outside wetland areas. Erosion controls where flowing water may be present, such as low water crossings, will require best management practices appropriate for the field conditions. Straw or similar bales or logs may not be appropriate where flowing water is present. Floating turbidity barriers or silt screen/curtains and temporary earthen berms are best management practices that may be used to prevent the transport of sediment in ditches, streams, and wetland waterways.

*Stabilization of disturbed areas.* Prompt stabilization of all disturbed areas will be undertaken during and after completion of the project. All disturbed areas will be stabilized within two weeks of disturbance. Suitable methods for stabilization are grading, establishment of a vegetative cover by mulching and/or seeding, and the use of geo-textiles. When seeding and mulching, Brown Top Millet seed (free of exotic or noxious weed species) will be applied to disturbed areas and covered with approximately one (1) inch thick organic mulch of wheat straw (free of exotic or noxious weed species). Steep slopes are more susceptible to erosion than flatter slopes, so temporary mulching and quick establishment of vegetation are extremely important. Jute mats, or similar devices, may be used on steep slopes until the vegetation has become established to prevent erosion.

*Restoration of disturbed roadsides.* Harrow restored and disturbed roadsides outside of traveled way to bottom of slope or water's edge and seed with Brown top Millet (certified to be free of exotic or noxious weed species) and cover with approximately one (1) inch thick mulch of wheat hay or straw (free of exotic or noxious weed species). Bahia grass mulch or seed is specifically included as a noxious species and is prohibited. Any such noxious plant or plant part found to be delivered within the hay or straw will be removed by the Contractor at his expense and in accordance with the law.

*Inspection and maintenance of erosion and sedimentation control.* Routine inspection and maintenance of erosion and sedimentation control features will be provided by the CONTRACTOR until the project is complete and accepted by the District. Barriers will be regularly maintained to insure their effectiveness. Sediments will be cleaned out periodically and before major predicted rainfall events.

*Removal of Sediment and Erosion Control Measures.* Any temporary measure of erosion control, whether temporary sediment basin, silt fence, straw bales, or other measures, will be removed following the successful establishment of vegetation.

8. Roadbed Impacts. As applicable to the entire project, ruts or roadbed damage caused by the construction process shall be repaired. Suitable excavated road-fill material may be used as fill material. All traveled roadbeds shall be left in their current condition or better.
9. Coarse Aggregate Specifications. All coarse aggregate shall consist of limestone or granite with a maximum L.A. abrasion loss of 35 percent. Samples of the coarse aggregate used for all project work must come from a source approved by the District or be submitted to Pensacola Testing Laboratories, Inc. or approved testing laboratory for hardness testing before it is approved for use on the project.
10. Project Completion. The construction shall not be determined fully complete until the project has been inspected by the District and the Buffer Preserve and has been determined to have been constructed in accordance with the approved design and any permit conditions stipulated in the construction authorization.

## **2-3 TECHNICAL SPECIFICATIONS**

### **Construction Activities**

#### **Construction of the Earthen Ditch Plugs**

1. Use stockpiled road-fill material to construct the earthen ditch plugs.
2. The ditch plugs will be located according to the following table.
3. The ditch plug shall have a minimum length (measured across the top of plug) of 20 feet.
4. Road-fill material shall be placed in approximately horizontal layers and compacted. The thickness of each layer before compaction shall be approximately 6 to 12 inches.

5. Fill materials for the ditch plug shall contain no shrubs and no brush, roots, trees, debris, or other perishable material larger than 4 inches in diameter.
6. The elevation of the top of the constructed ditch plug be approximately 3 inches higher than the adjacent natural grade, if feasible, to allow for settling of the fill material. However, the elevation of the top of the constructed ditch plug must be at least 6 inches below the top of road (refer to Typical Ditch Plug, Figure 5).
7. Stabilize within two weeks of disturbance by establishing a vegetative cover using seeding and mulching. Brown Top Millet seed or similar (free of exotic or noxious weed species) will be applied to disturbed areas and covered with approximately one (1) inch thick organic mulch of wheat straw (free of exotic or noxious weed species). Steep slopes are more susceptible to erosion than flatter slopes, so temporary mulching and quick establishment of vegetation are extremely important. Jute mats, or similar devices, may be used on steep slopes until the vegetation has become established to prevent erosion. Bahia grass mulch or seed is specifically included as a noxious species and is prohibited. Any such noxious plant or plant part found to be delivered within the hay or straw will be removed by the Contractor at his expense and in accordance with the law.
8. Locations of the sixteen ditch plugs will be established by District personnel and marked in the field prior to construction.

**Hardened Low Water Crossings #1 - #6 (see Typical Hardened Low Water Crossing Drawing, Figure 4)**

1. Clear and grub roadside vegetation as needed and excavate in-place road-fill material from a section of dirt road (see Typical Hardened Low Water Crossing, Figure 4). The approximate volume and dimensions for each low water crossing are indicated in the table below. Dimensions may be revised based on field conditions.
2. Install the hardened low water crossing using a woven geotextile for stabilization that conforms to FDOT Design Standards (Index 501, usage 3). Install the geotextile in accordance with FDOT specifications (Section 145) using coarse aggregate (entire crossing) and a rock apron (crossing bottom only) in lieu of backfill material.
3. The 9-inch thick coarse aggregate base should meet FDOT Size No. 1 or 2 gradation (Section 901) (prefer graded material in the 2 in. to 4 in. range). The 3-inch thick top layer should meet FDOT Size No. 5 (Section 901). Coarse aggregate shall be placed over the geotextile along the length of the low water crossing to create a 14-ft wide travel lane.
4. The ends of the crossing will be 10-ft sections that match the grade of the existing roadway. The excavation depth along each 10-ft section will be at least 12 inches to facilitate placement of the geotextile and coarse aggregate.
5. The approaches to the crossing bottom should be excavated to create a gentle roadway slope, not to exceed 4%. The excavation depth will be at least 12 inches to facilitate placement of the geotextile and coarse aggregate.
6. The bottom of the crossing will be approximately 60 ft. in length. The bottom of the crossing (60' x 17') should be excavated to approximately 12 inches below natural grade to facilitate placement of the geotextile, coarse aggregate, and rock apron.
7. Ditches on either side of the crossing bottom should be left intact. The area immediately adjacent to the crossing bottom should be recontoured to match the natural grade of the adjacent wetland or stream channel.

8. Install a rock apron approximately 1.5 feet in width and approximately 12 inches thick over the geotextile on the either side of the 14-ft wide travel lane (crossing bottom only). The rock should be bedding stone, rubble, or cobbles in the 6-in to 8-in. range with a minimum D<sub>50</sub> of 7 inches. Place rock apron without puncturing or tearing the geotextile fabric.
9. The finished bottom elevation (including the geotextile, coarse aggregate, and rock apron) of the crossing will match the natural grade on either side (upstream and downstream) of the crossing on the outside of the ditches. The finished bottom elevation will be a minimum of one foot below the existing road surface elevation.
10. The finished roadway grade along the crossing approaches shall have a gradual descent with slopes not to exceed 4 %.
11. Restore road for 100 ft. on each end of the installation, as necessary. In disturbed areas of roadsides outside of the traveled way to bottom of slope or water's edge, apply Brown Top Millet seed and approximately one (1) inch thick mulch of wheat hay or straw (free of exotic or noxious weed species) as needed for erosion control. Bahia grass mulch or seed is specifically included as a noxious species and is prohibited.
12. Vegetation and excess road-fill materials will be stockpiled and used for ditch plug construction (see Temporary Stockpiling of Road-fill Material and Vegetation, Section 2-2).
13. During construction, install and maintain appropriate erosion and sedimentation control measures such as floating turbidity barriers, sediment basins, or earthen berms. Straw and hay bale barriers may not be appropriate for use in Low Water Crossing areas where flowing water is present.
14. Wheat hay or straw shall be free of exotic or noxious weed species. Bahia grass mulch or seed is specifically included as a noxious species and is prohibited. Any such noxious plant or plant part found to be delivered within the hay or straw will be removed by the Contractor at his expense and in accordance with the law.

Low Water Crossings – Location and Approximate Dimensions								
Map ID	Latitude	Longitude	Total Crossing Length (ft.)	Bottom Length (ft.)	Length of Side Slopes (ft.)	Length of two tie-ins (ft.)	Road Width (ft.)	Volume of Road Excavation (CY)
L1	29°43'01"	-85°17'57"	130	60	25	20	20	140
L2	29°42'54"	-85°17'49"	130	60	25	20	20	140
L3	29°42'52"	-85°17'44"	130	60	25	20	20	140
L4	29°42'50"	-85°17'38"	130	60	25	20	20	140
L5	29°42'41"	-85°17'17"	130	60	25	20	20	140
L6	29°42'35"	-85°17'06"	130	60	25	20	20	140

Note: Dimensions are approximate and may be revised based on field conditions.

## **2-4 PLANS AND DRAWINGS**

The following drawings are provided (see Attachments) to assist in bid proposal preparation:

- Figure 1. Location of the Treasure Road Project
- Figure 2. Locations of Low Water Crossings and Ditch Plugs
- Figure 3. Typical Hardened Low Water Crossing Detail
- Figure 4. Typical Ditch Plug Installation Detail



**PART III**  
**BID REQUIREMENTS**

At a minimum, bids submitted for consideration by the District should include the following information.

1. Firm(s) name and business address, and location of branch offices (if any). Firm(s) name and business address of subcontractors (if any) who may be utilized to provide services to the District under an awarded continuing-services contract.
2. A list of the individuals available in the firm(s) to perform work on assigned tasks and a list detailing their qualifications, experience and expertise to perform the services. This should include the individual's title and a description of his/her specific role(s) in the completion of the tasks.
3. A summary of the current and projected work load of the firm(s) as related to the capacity of the firm to complete the project. The delivery plan the respondent will use to insure the District will receive all deliverables including electronic data in a timely manner.
4. A minimum of three (3) client references including the client name, address, telephone number and contact, for whom the firm(s) have performed similar work in the past.
5. Identification of known or potential for conflict(s) of interest in performing the tasks requested herein.
6. Other materials or information that would assist the District in evaluating the bid.
7. A summary of any pertinent litigation filed against the firm during the last three years.
8. If applicable, a statement of the firm's status as a designated or certified minority.
9. Submit a signed Acknowledgment form on page 22 and include it in your package.
10. Submit Bid forms on page 23-25 and include them in your package.
11. Submit completed BID BOND form on page 18-19 or certified check in lieu of a SURETY BOND.
12. Provide copies of your current insurance coverage/limits.
13. Provide evidence you are licensed to conduct business in the State of Florida.
14. **IS YOUR ENVELOPE PROPERLY MARKED?** See page 5 of this ITB for further details.

### 3-1 BID BOND

Each BID must be accompanied by a BID bond payable to the DISTRICT for five percent of the total amount of the BID. After the BID prices have been evaluated, the DISTRICT will return the BID BONDS for all BIDS but the three lowest qualified BIDS. When the Agreement is executed the bonds of the two remaining unsuccessful BIDDERS will be returned. The BID BOND of the successful BIDDER will be retained until the performance BOND has been executed and approved, after which it will be returned. A certified check may be used in lieu of a BID BOND. BIDDERS shall use the outline provided below for submitting a BID BOND.

#### BID BOND FORM

KNOW ALL PERSONS BY THESE PRESENTS: that

---

for the payment of which, will and truly be made, we hereby jointly and severally bind ourselves, successors and assigns. Signed this \_\_\_\_ day of \_\_\_\_\_, 2013. The condition of the above obligation is such that whereas the principal has submitted to the Northwest Florida Water Management District, a certain BID attached hereto and hereby made a part hereof to enter into a contract in writing, for the **TREASURE ROAD HYDROLOGIC ENHANCEMENT PROJECT**.

NOW THEREFORE,

- (a) If said BID shall be rejected, or
- (b) If said BID shall be accepted and the Principal shall execute and deliver a contract in the Form of Contract attachment hereto (properly completed in accordance with said BID) and shall furnish a BOND for faithful performance of said contract, and for the payment of all persons performing labor or furnishing materials in connection therewith, and shall in all other respects perform the AGREEMENT created by the acceptance of said BID, then this obligation shall be void, otherwise the same shall remain in force and agreed that the liability of the Surety for any and all claims hereunder shall, in no event, exceed the penal amount of this obligation as herein stated.

The Surety, for value received, hereby stipulates and agrees that the obligations of said Surety and its BOND shall be in no way impaired or affected by any extension of the time within which the DISTRICT may accept such BID; and said Surety does hereby waive notice of any such extension.

IN WITNESS WHEREOF, the Principal and the Surety have hereunto set their hands and seals, and such of them as are corporations have caused their corporate seals to be hereto affixed and these presents to be signed by their proper officers, the day and year first set forth above.

\_\_\_\_\_  
Principal

\_\_\_\_\_  
Surety

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

IMPORTANT - Surety companies executing BONDS must appear on the Treasury Department's most current list (Circular 570 as amended, see <http://www.fms.treas.gov/c570/c570.html>) and be authorized to transact business in the state where the project is located.

### **3-2 PERFORMANCE BOND**

A PERFORMANCE BOND in the amount of 25 percent of the CONTRACT PRICE, with a corporate surety approved by the DISTRICT, will be required for the faithful performance of the contract. A cashier's check may be submitted in lieu of a surety bond.

Attorneys-in-fact who sign BID BONDS and PERFORMANCE BONDS must file with each BOND a certified and effective dated copy of their power of attorney.

The party to whom the contract is awarded will be required to execute the Agreement and obtain the PERFORMANCE BOND within ten (10) calendar days from the date when NOTICE OF AWARD is delivered to the BIDDER. The NOTICE OF AWARD shall be accompanied by the necessary AGREEMENT and Bond forms. In case of failure of the BIDDER to execute the Agreement, the DISTRICT may at his option consider the BIDDER in default, in which case the BID BOND accompanying the proposal shall become the property of the DISTRICT.

### **PART IV** **CONTRACTOR SELECTION**

The District will evaluate all bids and anticipates awarding the construction services for the TREASURE ROAD HYDROLOGIC ENHANCEMENT PROJECT contract based upon the lowest lump sum amount bid for all services.

### **PART V** **CONTRACT AWARDS**

The District reserves the right to accept, at its sole discretion, those bids which it considers to be most favorable to the District's interests, to negotiate, or to re-advertise. Those firms considered to be best able to provide the required services will be notified of the time and place for discussions.

### **PART VI** **COMPENSATION**

The selected firm will enter into a contract with the DISTRICT that will include the cost for construction services and invoicing, reporting and payment requirements for the required tasks in addition to other provisions required by the DISTRICT. Compensation shall be based on the completion of all construction services to the satisfaction of the District and submission of invoices accompanied by progress reports of work completed to date. Payment by the DISTRICT shall be made within thirty (30) days of receipt of a correct invoice, unless circumstances beyond the control of the DISTRICT prevent this. Invoices shall be submitted no more frequently than monthly and shall provide sufficient detail for proper pre-audit and post-audit purposes.

**PART VII**  
**NOTICE-TO-PROCEED**

A NOTICE TO PROCEED shall be issued within ten (10) days of the execution of the Agreement by the DISTRICT. Should there be reasons why the NOTICE TO PROCEED cannot be issued within such period; the time may be extended by mutual agreement between the DISTRICT and CONTRACTOR. If the NOTICE TO PROCEED has not been issued within the ten (10) day period or within the period mutually agreed upon, the CONTRACTOR may terminate the Agreement without further liability on the part of either party.

**PART VIII**  
**BIDDER ACKNOWLEDEMENT FORM**

ACKNOWLEDGEMENT FORM

I, the undersigned, having read Parts I through IX of this Invitation To Bid, ITB No. 13B-006, and having a comprehensive understanding of all provisions, rules, requirements, restrictions, etc. contained herein, agree to same and respectfully submit the proposal contained herein.

Where this Project involves trench excavations that will exceed a depth of 5 feet, pursuant to Florida Statutes, Chapter 553, Part VI, Trench Safety Act will be in effect and the undersigned Bidder hereby certifies that such Act will be complied with during the construction of this Project.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Position or Title

\_\_\_\_\_  
Typed Name of Above Signature

\_\_\_\_\_  
Agency or Company

\_\_\_\_\_  
April Murray, Agency Clerk  
Northwest Florida Water Management District

**PART IX**  
**BID FORMS**

9-1 BID FORMAT

a) Business Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Years of experience construction experience: \_\_\_\_\_

c) List of subcontractors, if any, that may be used:

<u>Name</u>	<u>Address</u>	<u>Type of Firm</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

d) List of similar road construction, culvert installation, and watershed restoration projects that you have completed within the past 12 months:

<u>Date</u> <u>(Month/Year)</u>	<u>Location</u> <u>(County/State)</u>	<u>For Whom</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

9-2 BID FORM

The undersigned bidder declares that he/she has carefully examined the bidding documents entitled: **“TREASURE ROAD HYDROLOGIC ENHANCEMENT PROJECT, Bid Number 13B-006”**, and submits the following bid:

**MOBILIZATION / DEMOBILATION COST**

**Unit Price (Mobilization & demobilization)** **TOTAL PRICE**  
\$ \_\_\_\_\_ Each **X** **1 mobilization /demobilization** = \_\_\_\_\_

**HARDENED LOW WATER CROSSINGS COST\***

**Unit Price Per Each** **TOTAL PRICE**  
\$ \_\_\_\_\_ Each **X** **6 Low Water Crossings** = \_\_\_\_\_

**EARTHEN DITCH PLUG CONSTRUCTION COST\***

**Unit Price Per Each** **TOTAL PRICE**  
\$ \_\_\_\_\_ Each **X** **16 Ditch Plugs** = \_\_\_\_\_  
\$ \_\_\_\_\_ 10 Cubic Yards Fill Dirt (to be used as a basis for additional services only)



BID FORM (13B-006)  
(continued)

**TOTAL LUMP SUM BID** \$ \_\_\_\_\_

\*All costs include erosion and sedimentation control measures, safety measures for compliance with the Trench Safety Act (Florida Statutes, Ch. 553) and all other materials (labor, bedding material, geotextile, riprap, etc.) and construction activities necessary to complete work specified in the Scope of Services.

**Unit costs may be used as the basis of compensation if additional construction services are requested (additional low water crossings etc.) beyond this Scope of Services.**

Firm Name: \_\_\_\_\_

Firm Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Position or Title

\_\_\_\_\_  
Typed Name of Above Signature

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

FEID No. \_\_\_\_\_

9-3 VENDOR REGISTRATION FORM

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

**VENDOR REGISTRATION FORM**

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

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

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

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

Mailing Address: \_\_\_\_\_  
(It is the vendor's responsibility to promptly notify the District of any change of address.)

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

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

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

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

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

- | Non-Minority<br>Business Classification | Certified Minority<br>Business Enterprise | Non-Certified<br>Minority Business<br>Enterprise | Non-Profit Organization                       |
|---|---|--|---|
| A ___ Non-Minority                      | H ___ African American                    | N ___ African American                           | S ___ 51% or more Minority Board of Directors |
| B ___ Small Business-State*             | I ___ Hispanic                            | O ___ Hispanic                                   | T ___ 51% or more Minority Officers           |
| C ___ Small Business-Federal            | J ___ Asian/Hawaiian                      | P ___ Asian/Hawaiian                             | U ___ 51% or more Minority community Served   |
| E ___ Governmental Agency               | K ___ Native American                     | Q ___ Native American                            | V ___ Other Non-Profit                        |
| F ___ Non-Profit Organization           | M ___ American Woman                      | R ___ American Woman                             |   |
| G ___ P.R.I.D.E.                        |   |  |   |

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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

# **ATTACHMENT**

**Figures 1-4**

**Figure 1. Location of Treasure Road Project**





Figure 2. Location of Low Water Crossings and Ditch Plugs.

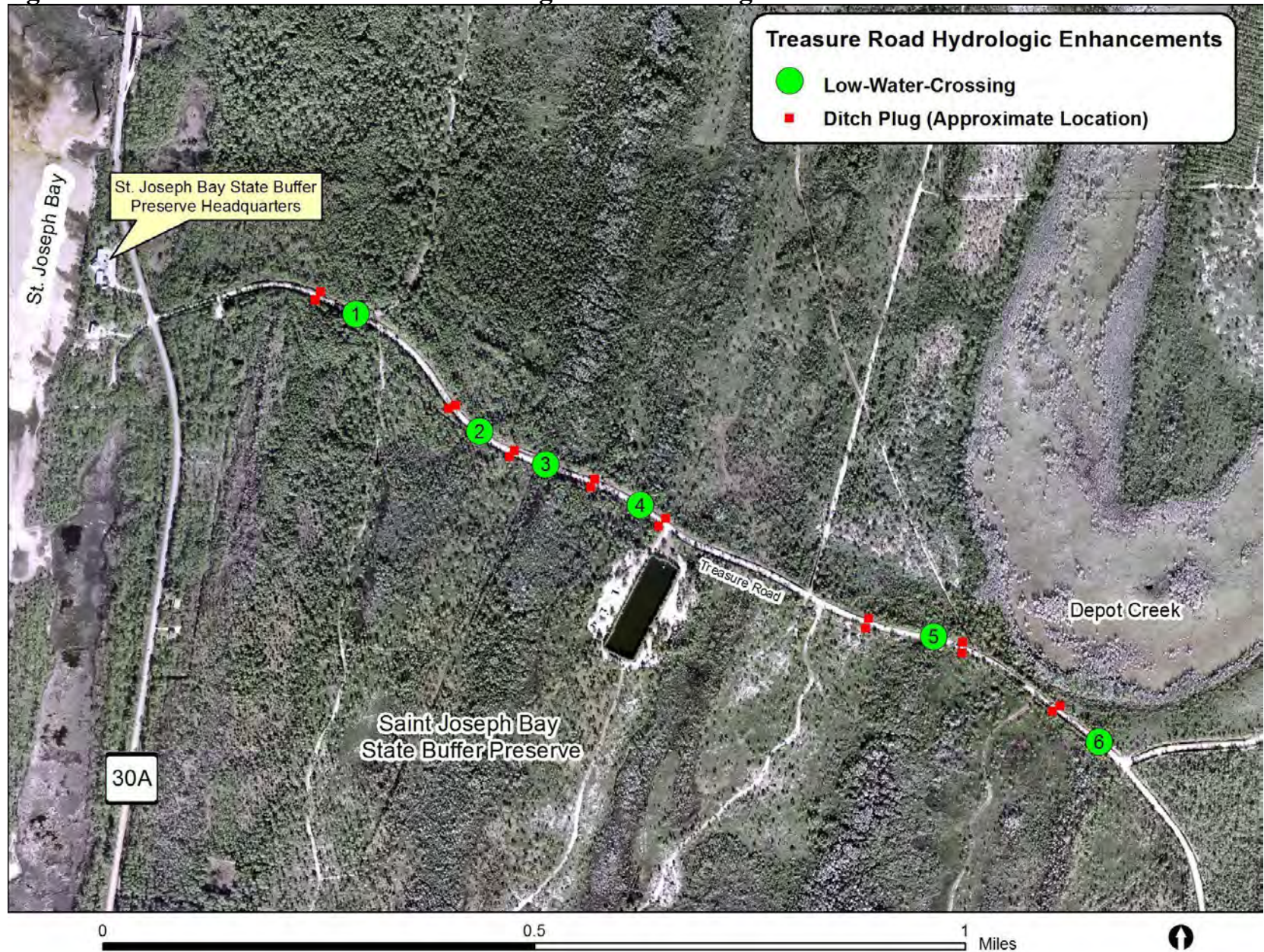




Figure 3. Hardened Low Water Crossing Detail.

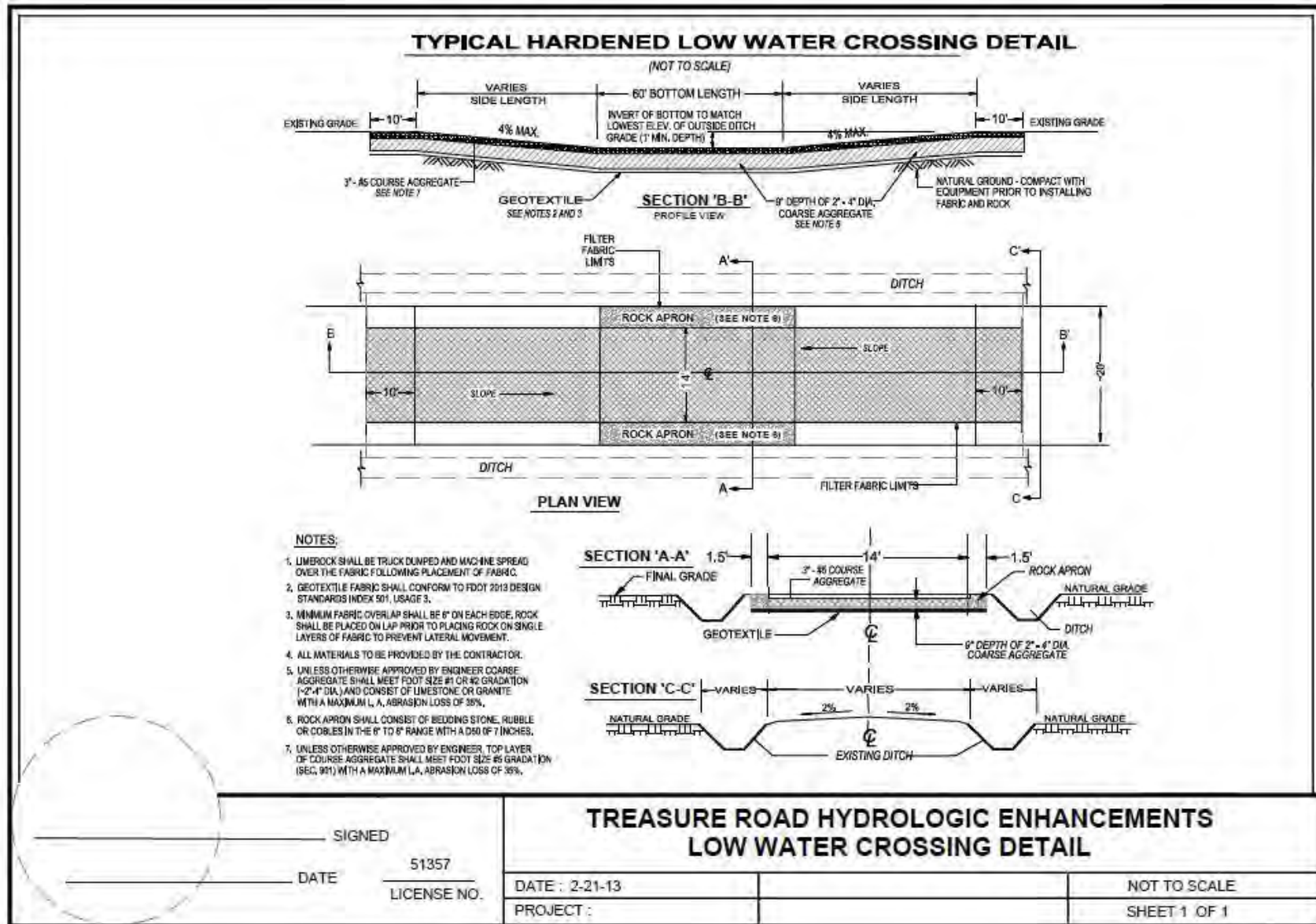
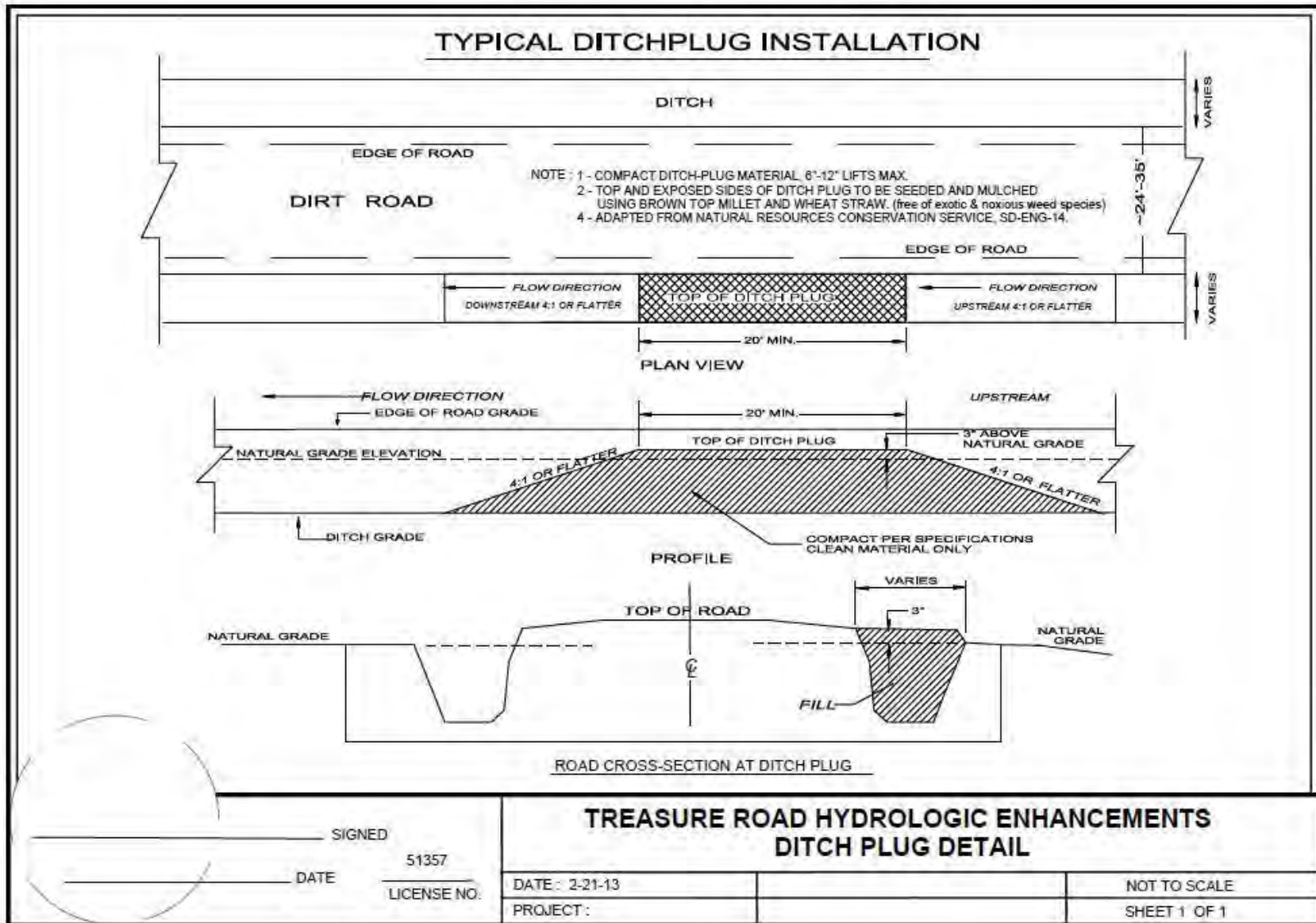


Figure 4. Typical Ditch Plug.



## 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 ▶
------------------	----------------------------	--------

### 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.

