



**Request for  
Proposals**

RFP 2223-06

**PHOTOGRAPHY SERVICES**

Date	Event
May 3, 2023	Issue Date
May 12, 2023	Deadline for Questions – 10:00 A.M. (CST)
May 16, 2023	Addendum Posted to address Questions
May 23, 2023	Deadline for Responses - 2:00 P.M. (CST)
June 19, 2023	Anticipated Board Approval

*\*Dates subject to change. Additional addendums may be posted at the discretion of Midlothian ISD. Any changes will be posted in the form of an addendum on the M ISD website. Potential respondents are responsible for watching the website for such publications.*

- Questions must be submitted via e-mail to the person listed below. In the email subject line type: "Questions" followed by the solicitation title and number.
- Q & A and Addenda will be posted on the website:  
<http://www.misd.gs> > Departments > Business > Purchasing > Bids (RFPs, CSPs, RFQs)
- Responses must be signed, delivered in a sealed envelope or carton and received by the opening time and date listed. Submit (1) one original and (1) one copy. Please include one original copy on flash drive.
- Unsigned, unsealed or late responses will not be considered. The Purchasing Department will notify firms submitting late responses and will hold documents for pick-up for (5) five business days following the notification. Responses not picked up by that time will be discarded.
- Fax, e-mail or other electronic responses will not be accepted.
- Responses must be plainly marked with the solicitation title and number. The original copy must be plainly marked "ORIGINAL".

**INTRODUCTION**

The Midlothian Independent School District (MISD) is soliciting proposals for **Photography Services** per the specifications stated elsewhere in this solicitation document.

Responses must be submitted in an envelope marked on the outside with the vendor's name and address and solicitation number and sent to the Administration Office of Midlothian ISD at:

Midlothian ISD  
Administration Building  
Attn: Shana Volentine, Purchasing Coordinator  
100 Walter Stephenson Rd  
Midlothian, TX 76065

Responses will be received at the above address until **2:00 PM (CST) May 23, 2023**. Responses received by hand delivery or mail after the stated due date and time will remain unopened.

**Faxed responses will not be accepted.** Responses must be submitted in sufficient time to be received and time-stamped at the above location on or before the published date and time shown on the solicitation document. Midlothian ISD will not be responsible for mail delivered from the post office. Vendors must submit sealed proposals in the form of the completed offer form together with all material required by this document by the time and date specified. All responses must remain open for ninety (90) days from the opening date pending acceptance by MISD.

*Shana Volentine*

Purchasing Coordinator

May 3, 2023

Date

## **DISTRICT OVERVIEW**

Midlothian is a fast growing city in northwest Ellis County, Texas with a population of more than 31,500. The city is 25 miles (40 km) southwest of Dallas. It is the hub for the cement industry in North Texas, as it is the home to three separate cement production facilities, as well as a steel mill.

Midlothian Independent School District (MISD) includes two high schools, a CTE center, three middle schools, and eight elementary schools. MISD covers an area of approximately 112 square miles. The District currently serves approximately 11,100 students and employs approximately 1350 employees.

The mission of Midlothian ISD is to educate students by empowering them to maximize their potential. We inspire excellence today to change the world tomorrow.

We believe that safe, engaging, rigorous, and diverse learning environments provide the best opportunity for students to reach their fullest potential.

We believe a high quality staff with appropriate resources is essential to creating educational experiences that promote student success.

We believe that effective communication, purposeful collaboration, and strong partnerships create an atmosphere of trust and a strong sense of community vital to student achievement.

MISD Priorities:

- Student Success
- Capacity Building and Effective Leadership
- Culture, Climate and Safety
- District Operations and Financial Stewardship



Additional information about Midlothian ISD can be obtained on its website: [www.misd.gs](http://www.misd.gs)

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## **GENERAL TERMS AND CONDITIONS**

The following instructions by the Midlothian Independent School District are intended to afford potential respondents an equal opportunity to participate in the solicitation process. Any resulting contract may be cancelled by MISD for situations not limited to non-performance, unprofessional conduct or unacceptable business practices.

The district guarantees no minimum dollar amount in purchase orders against this contract. Midlothian ISD can terminate any resulting award from this request with thirty (30) calendar day notice, in the event no funds or insufficient funds are appropriated and budgeted or are otherwise not available in the fiscal year for obligations herein provided, however, this provision shall not be construed so as to permit the MISD to terminate this request in order to enter other contracts or make other arrangements for essentially the same services made the subject of this solicitation.

MISD expressly reserves the right to:

- a. Reject or cancel any or all proposals for reasons, not limited to: responses received after the published due date, unbalanced value of any items, improper or insufficient guarantee (if required)
- b. Consider a response irregular if it shows any omissions, alterations of form, additions, or conditions not called for; failure to return all forms and copies; or irregularities of any kind.
- c. Waive any defect, irregularity or informality and/or minor deviations from specifications at a lower price than other proposals meeting all aspects of the specifications if it is determined to be in the best interest of MISD
- d. Reissue a request
- e. Consider and accept an alternate proposal as provided herein when most advantageous to MISD
- f. MISD has the right to cancel the contract with a thirty-day written notice, without prejudice, for factors including, but not limited to, non-availability or non-appropriation of funds
- g. Procure any item or services by other means to meet time-sensitive requirements
- h. Award to more than one firm

Respondents may be disqualified and their response not considered for reasons not limited to:

- a. Reason for believing collusion exists among respondents.
  - b. Reasonable grounds for believing that any respondent is interested in more than one solicitation for the work contemplated.
  - c. Where the respondent, any sub-contractor or supplier, or the surety on any bond given, or to be given, is in litigation with the District or where such litigation is contemplated or imminent, in the sole opinion of the District.
  - d. Respondent being in arrears on any existing contract/purchase order or having defaulted or failed to perform in a satisfactory manner on a previous purchase order.
  - e. Lack of competency as revealed by pertinent facts, including but not necessarily limited to, experience and equipment, financial statement and questionnaire.
-

The District shall be the sole judge of acceptable proposal responses.

Awarded vendor may not assign or transfer any resulting agreement nor its rights or privileges granted under this agreement, either in whole or part, without written consent of Midlothian ISD.

Midlothian ISD reserves the right to revise and amend the specifications prior to the date set for the opening. Such revisions or amendments will be announced by addenda posted on the Purchasing page of the MISD website. It is the responsibility of interested parties to monitor the website for such postings.

Please note that a “gift to a public servant” is a Class A misdemeanor offense if the recipient is a government employee who exercise some influences in the purchasing process of the governmental body. This would certainly apply to anyone who helps establish specifications or is involved in product selection or directs a purchase.

The District may, by written notice to the vendor, cancel this solicitation without liability to the vendor if it is determined by the District that gratuities, in the form of entertainment, compensation, gifts, or otherwise were offered or given by the vendor, or any agent or representative of the vendor, to any Board of Trustee member, officer, or employee of the Midlothian Independent School District with an intent to secure favorable treatment with respect to the award or amending, or the making of any determinations with respect to the performing of such an agreement.

Any board member who has any substantial interest, either direct or indirect, in any business entity seeking to contract with the District, shall, before any vote or decision on any matter involving the business entity, file an affidavit stating the nature and extent of interest and shall abstain from any participation in the matter. This is not required if the vote or decision will not have any special effect on the entity other than its effect on the public. However, if a majority of the governing body are also required to file, and do file similar affidavits, then the member is not required to abstain from further participation. Substantial interest includes (Policy BBFA - Ethics: Conflict of Interest Disclosures):

- *Business Entity* - The person owns 10% or more of the voting stock or shares of the business entity or owns either 10% or more or \$15,000 or more of the fair market value of the business entity
- *Business Entity* - Funds received by the person from the business entity exceeds 10% of the person's gross income for the previous year
- *Real property* - if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more
- *First-Degree Relatives* - If a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code

*Local Government Code Chapter 171*

It is the policy of the Midlothian Independent School District not to discriminate in its educational programs, activities, or employment practices, based on race, ethnicity, gender, disability, age, religion, or any other legally protected classification.

Responses deposited with Midlothian ISD may be withdrawn prior to the time set for opening. A response may not be withdrawn after the submittal deadline. By submitting a response, the proposer warrants and guarantees that the document has been carefully reviewed and checked and that it is in all things true and accurate and free of mistakes. Any alterations made before the deadline for submissions must be initialed by the respondent and his/her authorized agent. The document cannot be altered or amended after the submittal deadline.

Vendors should complete the reference form by providing names of Texas school districts of comparable size to Midlothian ISD.

First the laws of the State of Texas shall govern this document and its resulting contract. Venue for any disputes arising thereunder shall be in Ellis County, Texas. Secondly, the laws of the Uniform Commercial Code (UCC) as adopted in the State of Texas and in force on the date of this solicitation shall govern. All items and services must conform to all appropriate local, state and federal laws, ordinances and regulations.

Use or possession of weapons on school property is strictly prohibited. All District property and facilities are considered a "drug free zone". No one may use, consume, carry, transport or exchange alcohol beverages, tobacco, cigarettes, electronic cigarettes, controlled substances and/ or illegal drugs while in a school district building or while on school district property. The vendor, its company, and its employees shall adhere to this policy.

For the safety of students, each of our campuses follow strict and uniformed access procedures. All visitors are required to visit the front office immediately upon accessing a school. All visitors will be required to present a valid form of photo identification to our staff each and every time they visit a campus.

An identification badge will be worn as required by the district and/or campus procedures. Vendor personnel are expected to maintain proper dress and exhibit a vendor badge or wear vendor issued shirts displaying the vendor logo. All contractors must also be in a uniform that identifies them at all times.

All vendor personnel are required to stay within the designated installation areas and may only enter a teacher's classroom when accompanied by District personnel.

At the time of offer submission, the person or entity submitting an offer must give notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in this conviction of a felony. The District may terminate a contract with a person or business if the District determines that the person or business failed to give such notice or misrepresented the conduct resulting in the conviction. This requirement does not apply to a publicly held corporation.

Texas Education Code Chapter 22 requires service contractors to obtain criminal history record information regarding covered employees and to certify to the District that they have done so. Covered employees with disqualifying convictions are prohibited from serving at a school district. Covered employees are all employees of a contractor who have or will have continuing duties related to the service to be performed at the District and have or will have direct contact with students. The District will be the final arbiter of what constitutes direct contact with students.

Vendors (owners, officers, employees, volunteers, etc.) may not work on District property where students may or may not be present when they have charges pending, have been convicted, received probation or deferred adjudication for the following:

- Any offense against a child
- Any sex offense
- Any crimes against persons involving weapons or violence
- Any felony offense involving controlled substances
- Any felony offense against property
- Any other offense the District believes might compromise the safety of students, staff, or property

Effective January 1, 2006 and pursuant to Texas H.B. No. 914 and in accordance with Chapter 176 of the Texas Local Government Code, Section 176.006, any person or entity who contracts or seeks to contract with MISD for the sale or purchase of property, goods, or services (as well as agents of such persons, hereafter referred to as Vendors) are required to file, on an annual basis, a Conflict of Interest Questionnaire with the District. Each covered person or entity who seeks to or who contracts with MISD is responsible for complying with any applicable disclosure requirements. MISD will post the completed questionnaires on its website. Information regarding H.B. No. 914 may be obtained from the Texas Ethics Commission's website at <http://www.ethics.state.tx.us>.

In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The laws states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties (Form 1295) to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency. A business entity must use the applicable to enter the required information on Form 1295 and print a copy of the completed form, which will include a certification of filing that will contain a unique certification number. An authorized agent of the business entity must sign the printed copy of the form. The completed Form 1295 with the certification of filing must be filed with the governmental body or state agency with which the business entity is entering into the contract.

**SUBMITTAL**

Provide your response to this request in the quantity and format (if applicable) as designated by the date and time specified. Each respondent must submit descriptive literature and complete specifications covering the services requested. Reference to literature submitted previously does not satisfy this provision. Respondents not in compliance with these requirements may be subject to rejection.

Faxed responses, emailed responses and responses received after the deadline will not be considered.

Any deviation from the specifications set forth herein must be clearly pointed out, otherwise it will be considered that services offered are in strict compliance with the specifications and the successful respondent will be held responsible hereof. Deviations shall be explained in detail.

Questions regarding this request must be made in writing to the Purchasing Coordinator at [shana.volentine@misd.gs](mailto:shana.volentine@misd.gs). Addenda will be posted to the District Web Page. You may obtain the addenda from the internet/website address [www.misd.gs](http://www.misd.gs). It is your responsibility to obtain any addenda that pertains to this request.

Submittals must be received by the specified date and time at:

Midlothian ISD Administration Building  
Attention: Shana Volentine  
Purchasing Coordinator  
100 Walter Stephenson Street  
Midlothian, Texas 76065

**DISCLOSURE**

Until a contract resulting from this process is executed, no employee, agent or representative of any professional service provider shall make available or discuss its proposal with the media in any form, electronic or printed, or with any elected or appointed official or officer of the District, or any employee, agent or other representative for the District unless specifically authorized by the Purchasing Coordinator.

**TERM**

In lieu of a new contract or renewal, the same terms and conditions will apply yearly until a new proposal/contract is established. Vendors are not allowed or permitted to introduce new/different contracts/agreements to campuses.

## **SELECTION PROCEDURE**

A selection committee will review submissions. If deemed necessary, the committee may select a short list of firms upon which to give further consideration. All firms selected for second phase consideration will be notified on the specifics of any second-state submission requirements and due dates. If it is deemed appropriate by the District, certain disciplines may also include an interview/presentation for the short-list firms. If, however the District is satisfied with the initial information provided, there may be no further requests made prior to the final selection(s).

As provided by the Professional Services Procurement Act, selection shall be made (1) on the basis of demonstrated competence and qualifications to perform the services; and (2) for a fair and reasonable price. The committee will select the firm it considers most qualified in representing the best value for the engagement and only then will negotiate fees with that firm. If the District and the firm cannot agree upon fees, negotiations will be terminated and the District will move to the next most qualified/best value firm to negotiate fees. Upon final agreement on fees and terms, the selection committee will recommend a single firm for a contract award to the Board of Trustees.

The solicitation process seeks to find the best overall solution to Midlothian ISD. Award(s) shall be made to the qualified respondent(s) whose response is most advantageous to Midlothian ISD. In determining to whom to award a contract(s), Midlothian ISD's evaluation of proposer's qualifications will include, but not be limited to, the following criteria:

- **Demonstrated Competence** - include evidence of understanding: composition, placement and/or arrangement, lightness/darkness, photographic quality. Please include samples of work.
- **Experience** - include evidence of quality experience of company and staff.
- **Qualifications** - provide evidence of effective communication skills, traits of skilled photographers, organizational skills and customer service skills.
- **Incentives** - provide clear and explicit incentives that will enhance the experience and value to MISD and its families.
- **References** - provide at least 5 school district references, feel free to add additional references as desired. Provide copies of business certifications and liability insurance.
- **Past Experience with MISD** - include information of experience with Midlothian ISD and any additional information.

### **IMPORTANT**

Please prepare proposal in a tabbed binder identifying each section above for easy reference and evaluation. Include all required forms and information relevant to evaluation criteria. Provide (1) original and (2) copies of proposal, as well as proposal saved to a flash drive to be included with your sealed proposal.

**SPECIFICATIONS**

Midlothian Independent School District is soliciting proposals and information from interested entities to provide photography services. The terms of any resulting agreement will be mutually agreed upon. All existing campuses will be included in the agreement. In addition, any new campus completed or added during the term of any resulting agreement will be automatically included.

Below is a summary of current class size, subject to change at any time (current information as of (4/28/23):

SENIOR CLASS SIZE	
Midlothian High School	503
Midlothian Heritage High School	304

UNDERCLASS MEMBER SIZE			
	9 <sup>th</sup>	10 <sup>th</sup>	11 <sup>th</sup>
Midlothian High School	526	500	452
Midlothian Heritage High School	434	388	341

MIDDLE SCHOOL ENROLLMENT	
Dieterich Middle School	955
Frank Seale Middle School	685
Walnut Grove Middle School	990

ELEMENTARY ENROLLMENT	
5004	

Irvin Elementary	666
Baxter Elementary	621
Longbranch Elementary	661
Mt Peak Elementary	659
Vitovsky Elementary	667
Miller Elementary	545
McClatchey Elementary	674
Coleman Elementary	511

**Below is a list of specifications as provided by district staff as it pertains to pictures both at the Elementary and Secondary level:**

*Families*

- Seniors and underclassmen all photographed through the same company (*beginning 24-25*)
- No sitting fee for senior portraits
- Photographers come to the high school to photograph seniors in the summer months (COVID exception)
- Standard re-touching at no additional cost
- List discount(s) offered for parents of multiple children
- Fall picture day / Retakes / Spring pictures (individual & class)
- Kinder Cap & Gown photo day that includes a complimentary Certificate of Completion and 1 complimentary student picture in a portfolio to gift to kinder parents. Option may be given to parents for option to purchase additional photos online.
- Online proofing process; parent get proofs and purchasing information directly in their inbox
- Customer Support Line for parent purchases/concerns

*Staff*

- Provide discounts to staff for their child's pictures
- Provide free group pics, classroom pics and individual staff photo
- Schedule a day to photograph clubs and programs including, but not limited to: UIL participants, band students, honor choir, running club, robotics, chess club, etc.
- Sports groups and individual photos, group/club photo days available. ***Football and Drill Team are grandfathered with existing agreements for 23-24 due to June photos & August retakes.***
- One point of contact (by campus at a minimum)
- Assign a dedicated customer representative to assist our campuses with questions/procedures/needs
- Provide to PEIMS .csv template for staff and student photo day ID data requirements at least two weeks prior to the first scheduled photo day.

### **Student Confidentiality**

The vendor acknowledges the District has a legal obligation to maintain the confidentiality and privacy of student records in accordance with applicable laws and regulations, including but not limited to the Family Educational Rights and privacy Act ("FERPA"). Any student information provided to the vendor shall be provided in compliance with the requirements and exceptions outlined in FERPA. Vendors must comply with said law and regulations and safeguard student information. The vendor **will not** use the parent contact information for any purpose not related to district approved photos, including marketing or promotional activities.

### **Distribution of Delivery**

Digital delivery of all portrait images for yearbook and administrative software. Preferably provide an electronic download of student and staff pics. If electronic is not available, a flash drive will work. The download is for the yearbook, Skyward, Mosaic, RAPTOR (Vsoft) & any other campus that would like to have them within 2-3 weeks of picture day/retakes.

### ***Student Photos Format***

1. Photos must be formatted in 200x300 format no larger than 30kb.
2. Provide one, flat, macOS-compliant ZIP file (.zip) containing all the student photos in JPEG format (.jpg) for each campus photo event.
3. Photos will be individually named according to the Student ID# (for example, 999999.jpg).

### ***Staff Photos Format***

1. Photos must be formatted in 200x300 format no larger than 30kb.
2. Provide one, flat, macOS-compliant ZIP file (.zip) containing all the staff photos in JPEG format (.jpg) for each campus photo event.
3. Photos will be individually named according to the Staff ID# (for example, 1011111.jpg).

Only the following personnel may request secured access of files for student/staff photos:

- Campus Principal (or designated campus administrator)
- Yearbook Teacher/Advisor
- Transportation Software Specialist
- Student Services Administrator
- Director of PEIMS
- Systems Administrator

### **Timeline**

- Automated report given to yearbook advisor showing who was not photographed **on portrait day**
- Comprehensive, verified Photographed/Not Photographed list provided within **72 hours** of portrait day to Campus Designee
- Sports/group shots given to yearbook advisor within **72 hours** of picture day
- Portrait secure electronic files sent within two weeks of the last photography (retake) date.(Prefer an instant upload, no CD)
- Photo packages to customer within three weeks

## **DEFINITION FOR FORMS AND RESPONSE CHECKLIST**

This section contains forms that are required to be completed and submitted along with the response. Failure to complete and submit these forms could be grounds for disqualification of your offer. The required forms and the purpose they fulfill are:

**Proposal Shipping Label:** If required, when shipping proposals in containers other than a standard document envelope or packaging, it may be necessary to ship them in one or more box. To accommodate for this, a shipping label is provided, which is pre-addressed and identified as a response to this solicitation.

**NOTE:** Vendors responding to this solicitation are responsible for all postage and delivery charges.

**Offer Form:** This is the form that authorizes the respondent to represent his/her company to extend the offer to Midlothian ISD and enter into an agreement if an award is extended to this firm. This form also serves as a statement that the offer was not prepared in collusion with any competing vendor and that the stated prices are prepared independent of any pre-arranged agreement. The form should be used as the cover sheet for all proposals when responding to this solicitation.

**Vendor Data:** This page should be completed to identify vendor contact information for purchase orders, payments and bid notifications.

**Statement of Compliance/Deviation Form and Acknowledgement of Addenda:** This form is a signed statement that the proposal complies with all specifications and/or scope of work contained in the solicitation document, unless listed in the Exceptions section on this form, which is provided for the express purposes of identifying exceptions being taken from the specifications and/or scope of work. Respondents should also indicate acknowledgement of addenda, or the lack thereof.

**Confidential information declaration & copyright authorization form:** Any portion of the response considered to be confidential or contain proprietary information, or to contain trade secrets, must be marked accordingly. This designation may not necessarily guarantee the non-release of the information under the Public Information Act or as otherwise required by law, but does provide the District with a means to review the issues thoroughly and, if justified, request an opinion by the Attorney General's office prior to releasing any information requested under the Public Information Act.

**Felony Conviction and Criminal History Notice:** Texas State Law requires that persons or entities entering into business agreements with school districts must give notice to the district if the person or owner has been convicted of a felony. Firm will obtain history record information that relates to an employee, applicant for employment, or agent of the Firm if the employee, applicant, or agent has or will have continuing duties related to the contracted services; and the duties are or will be performed on school property or at another location where students are regularly present. The Firm certifies to the MISD before beginning work and at no less than an annual basis within each fiscal year, July 1 - June 30, thereafter that criminal history record information has been obtained. Firm shall assume all expenses associated with the background checks, and shall immediately remove any employee or agent who was convicted of a felony, or misdemeanor involving moral turpitude, as defined by Texas law, from MISD property or other location where students are regularly present. MISD shall be the final decider of what constitutes a "location where students are regularly present." Firm's violation of this section shall constitute a material breach and default.

This form addresses this Requirement and must be submitted. Vendor is responsible for the performance of the persons, employees and/or sub-contractors Vendor assigns to provide services for MISD pursuant to this CSP on any and all Midlothian ISD campuses or facilities. Vendor will not assign individuals to provide services at a MISD campus or facility who have a history of violent, unacceptable, or grossly negligent behavior or who have a felony conviction, without the prior written consent of the MISD Purchasing Department.

**Resident Bidder's Certification:** In order for Proposal to be considered, the following information must be provided. Failure to complete may result in rejection of the Proposal. As defined by Texas House Bill 602, a "nonresident vendor" means a vendor whose principal place of business is not in Texas, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in Texas.

**Conflict of Interest Compliance Form:** This form is required in conjunction with House Bill 914, which went into law September 1, 2005 and became effective January 1, 2006. This is a two-page form, the first of which is a Notice to Vendors and the remaining page is the Conflict of Interest Questionnaire. Response to this fulfills requirements under Chapter 176, Section 176.006 (a) of the Texas Local Government Code. Vendors are required to complete this and include in their response, if applicable. If no conflict exists, vendors are required to complete and include the Notice of No Conflict of Interest Statement. **NOTE:** Submitting a Conflict of Interest Disclosure Statement does not necessarily disqualify a vendor from receiving a Contract, but are examined on a case-by-case basis.

**IRS FORM W-9:** This is a required form by the IRS for government entities that pay vendors in excess of \$600.00 annually in order to issue a 1099 form and is required in conjunction with the reporting requirements by the Internal Revenue Service.

**PROCUREMENT RESPONSE SHIPPING LABEL**

FROM: \_\_\_\_\_  
 \_\_\_\_\_

SHIP TO: Midlothian Independent School District  
 Attn: Shana Volentine, Purchasing 100  
 Walter Stephenson Rd Street  
 Midlothian, TX 75087

Package \_\_\_\_\_ of \_\_\_\_\_

CONTENTS: BID RESPONSE  
 BID NUMBER: RFP 2021.11-001  
 BID TITLE: Photography Services  
 BID DUE DATE: May 23, 2023  
 TIME DUE: 2:00 P.M. (CST)

-----FOLD OR CUT HERE-----

FROM: \_\_\_\_\_  
 \_\_\_\_\_

SHIP TO: Midlothian Independent School District  
 Shana Volentine, Purchasing Coordinator  
 100 Walter Stephenson Street  
 Midlothian, TX 75087

Package \_\_\_\_\_ of \_\_\_\_\_

CONTENTS: BID RESPONSE  
 BID NUMBER: RFP 2021.11-001  
 BID TITLE: Photography Services  
 BID DUE DATE: May 23, 2023  
 TIME DUE: 2:00 P.M. (CST)

-----FOLD OR CUT HERE-----



**OFFER FORM**

This form should serve as the cover to all responses.

**Bid Number and Title:** RFP 2223-06 Photography Services

**Submittal Due Date and Time:** May 23, 2023 – 2:00 P.M. (CST)

**Submittal Address:** Midlothian Independent School District  
Shana Volentine, Purchasing Coordinator  
100 Walter Stephenson  
Midlothian, Texas 75087

The undersigned authorized representative of the responding company indicated below hereby acknowledges;

- That he/she is authorized to enter into contractual relationship on behalf of the responding company indicated below;
- That he/she has carefully examined this document in its entirety;
- The he/she proposes to supply any products/services submitted under this solicitation at the prices quoted and in strict compliance with all terms, policies and procedures, unless any exceptions are noted;
- That any all and all exceptions have been noted in writing in the response and that no other exception will be claimed;
- The accuracy of all certifications required (including but not limited to, the Felony Conviction Notice) which accompany this offer;
- The stated organization is an equal opportunity employer
- That the prices in this offer have been determined independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter related to such prices, with any other vendor or with any competitor.
- That the organization has not been a party to any collusion among offer/vendors in restraint of freedom of competition by agreement to offer at a fixed price or to refrain from offering; or with any MISD employee, Board Trustee, or consultant as to quantity, quality, or price in the prospective contract, or in any terms of the prospective contract except in any authorized discussion(s) with MISD's Purchasing personnel; or in any discussions or actions between offer/vendors and any MISD employee, Board Trustee, or consultant concerning exchange of money or other things of value for special consideration in the award of this contract.
- That neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

*(Non-Federal entities are prohibited from contracting with or making sub-awards under covered transaction to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement of goods or services equal to or in excess of \$100,000. Vendors receiving individual awards of \$100,000 or more and all sub-recipients must certify that the organizations and its principals are not suspended or debarred.)*

Name of Company:	Date:
Signature of Authorized Rep:	Printed Name:
Position or Title:	Phone:
Email:	Fax:

**FAILURE TO SIGN THIS FORM MAY RESULT IN DISQUALIFICATION**

**VENDOR DATA**

<b>FOR PURCHASE ORDER: ORDERING ADDRESS INFORMATION</b>	
Company Name:	
Address:	
City, State, Zip:	
Contact Person:	
Title:	
Phone:	
Fax:	
Email address:	
May we submit orders via email:	
Email address, if different:	

<b>FOR PAYMENTS: REMITTANCE ADDRESS INFORMATION</b>	
Company Name:	
Address:	
City, State, Zip:	
Contact Person:	
Title:	
Phone:	
Fax:	
Email address:	
Do you accept ACH payments:	

<b>FOR BID NOTIFICATION: BID NOTICE ADDRESS INFORMATION</b>	
Company Name:	
Address:	
City, State, Zip:	
Contact Person:	
Title:	
Phone:	
Fax:	
Email address:	

**STATEMENT OF COMPLIANCE/DEVIATION FORM**

This form is a signed statement that the proposal complies with all specifications and/or scope of work contained in the solicitation document, unless listed as an Exception. Any deviations from any part of this solicitation document shall be listed on this page, with complete detailed conditions and information included or attached. The District will consider any deviations in its award decisions, and the District reserves the right to accept or reject any bid based upon any deviations indicated below or in any attachments or inclusions.

In the absence of any deviation entry on this form, the bidder assures the District of their full compliance with the terms, specifications and all other information contained in this document.

We hereby acknowledge receipt of the solicitation, and certify that our Proposal conforms to the request except as detailed below. We also acknowledge receipt of addenda as identified below.

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**ACKNOWLEDGEMENT OF ADDENDA**

Addendum Number	Dated	Acknowledge (initial)

No Addenda were received

\_\_\_\_\_  
Authorized Company Official's Name

\_\_\_\_\_  
Title of Authorized Official



**CONFIDENTIAL INFORMATION DECLARATION & COPYRIGHT AUTHORIZATION FORM**

The bidder must stamp in bold red letters the term "CONFIDENTIAL" or "PROPRIETARY" on every page of any part of a bid that the bidder claims is confidential or proprietary. *Furnishing confidential or proprietary information is discouraged.* The District cannot guarantee that the District will be allowed to keep the information submitted confidential. The District may reject as non-conforming any bid that contains confidentiality claims that the District in its sole discretion considers vague or unreasonable.

All Invitations to Proposal and parts of bids that are not marked as confidential or proprietary will generally be considered public information once the contract is awarded. The District assumes no liability or responsibility for release of any information not properly marked. The District assumes no liability or responsibility for release of any information that is properly marked but is determined by the Texas Attorney General or a court of law to be subject to release. In the event that the District receives a request for disclosure of material marked "confidential" or "proprietary", the District may request a ruling from the Texas Attorney General concerning whether such material must be disclosed.

Proposals asserted to be copyright protected in their entirety are unacceptable and may, in the District's sole discretion, be disqualified as non-responsive. By submitting copyrighted materials as part of your bid, you hereby grant the District authorization to reproduce and provide copies of such information in response to a valid request for information under the Texas Public Information Act, Texas Government Code Chapter 552. By submitting copyrighted materials, you are representing that you have the authority to grant such authorization for the reproduction and release of such information. You further agree to waive any and all claims against the District regarding the release of such copyrighted information including, but not limited, to any claim of copyright infringement when released in response to a valid request for information under the Texas Public Information Act, Texas Government Code Chapter 552.

- Contents of this document are NOT considered Confidential or Proprietary
- Contents of this document ARE considered Confidential or Proprietary. Please identify the pages and/or sections declared Confidential or Proprietary by properly marking the pages &/or sections as confidential or proprietary and listing them below:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The undersigned affirms that the District assumes no liability/responsibility for the release of any information if this form is not properly completed, signed and the appropriate pages clearly marked as directed. The undersigned further grants authorization for the reproduction and release of any information asserted to be copyright protected in response to a request for information under the Texas Public Information Act, and waives any and all claims regarding the release of such information.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**FELONY CONVICTION NOTICE**

Statutory citation covering notification of criminal history of contractor is found in the Texas Education Code 44.034. State of Texas Legislative Senate Bill No. 1, Section 44.034, Notification of Criminal History, Subsection (a), states “a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony.”

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

**THIS NOTICE IS NOT REQUIRED OF A PUBLICLY-HELD CORPORATION**

I, the undersigned agent for the firm named below, certify that the information concerning notification of felony convictions has been reviewed by me and the following information furnished is true to the best of my knowledge.

VENDOR'S NAME: \_\_\_\_\_

AUTHORIZED COMPANY OFFICIAL'S NAME (PRINTED): \_\_\_\_\_

A. My firm is a publicly-held corporation; therefore, this reporting requirement is not applicable.

Signature of Company Official: \_\_\_\_\_

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

Signature of Company Official: \_\_\_\_\_

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

Name of Felon(s): \_\_\_\_\_

Details of Conviction(s): \_\_\_\_\_

\_\_\_\_\_

Signature of Company Official: \_\_\_\_\_



**CERTIFICATE OF RESIDENCY**

The State of Texas passed a law concerning non-resident contractors. This law can be found in Texas Government Code under Chapter 2252, Subchapter A, [www.capitol.state.tx.us/statutes/gv.toc.html](http://www.capitol.state.tx.us/statutes/gv.toc.html). This law makes it necessary for the MISD to determine the residency of its bidder. In part, this law reads as follows:

- (3) 'Nonresident bidder' refers to a person who is not a resident.
- (4) 'Resident bidder' refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Section: 2252.002

A governmental entity may not award a government contract to a nonresident bidder unless the nonresident underbids the lowest proposal submitted by a responsible resident bidder by an amount that is not less than the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located."

I certify that \_\_\_\_\_  
(Name of company bidding)

is, under Section: 2252.001 (3) and (4), a \_\_\_\_\_ Resident bidder \_\_\_\_\_ Non-resident bidder

If Non-resident Bidder is checked, does your "residence state" require bidders whose principal place of business is in Texas to under-bid vendors whose residence state is the same as yours by a prescribed amount or percentage to receive a comparable contract?

Yes       No      If yes, what is the amount or percentage? \_\_\_\_\_

My or Our principal place of business under Section: 2252.001 (3) and (4), is in the city of

\_\_\_\_\_ in the state of \_\_\_\_\_.

\_\_\_\_\_  
(Signature of authorized company representative)

\_\_\_\_\_  
(Print name)

\_\_\_\_\_ Title \_\_\_\_\_ Date



**CONFLICT OF INTEREST**

Effective January 1, 2006, any person or entity who contracts or seeks to contract with MISD for the sale or purchase of property, goods, or services (as well as agents of such persons) (hereafter referred to as Vendors) are required to file a Conflict of Interest Questionnaire with the District. Each covered person or entity who seeks to or who contracts with MISD is responsible for complying with any applicable disclosure requirements. MISD will post the completed questionnaires on its website.

The Conflict of Questionnaire must be filed:

No later than the seventh business day after the date that the Vendor begins contract discussions or negotiations with the government entity, or submits to the entity an application, response to a request for proposal or bid, correspondence, or other writing related to a potential agreement with the entity.

The vendor also shall file an updated questionnaire not later than September 1 of each year in which a covered transaction is pending, and the seventh day after the date of an event that would make a statement in the questionnaire incomplete and inaccurate.

Note: A vendor is not required to file an updated questionnaire if the person had filed an updated statement on or after June 1, but before September 1 of the year.

Completed forms should be sent to:

Midlothian Independent School District  
Attn: Purchasing Department  
100 Walter Stephenson  
Midlothian, Texas 76065

The Local Government Officers of the Midlothian Independent School District are provided on the district website.

The Midlothian ISD website provides a list  
of Local Government Officers,  
Superintendent and other Personnel



**EXPLANATION OF THE CONFLICT OF INTEREST QUESTIONNAIRE**

1. Name of company and person doing business with the District.
2. Check the box if you are filing an update to a previously filed questionnaire.
3. Name each employee of the District who makes recommendations to a District officer with respect to expenditures of money AND describe the affiliation or business relationship. If no affiliation or business relationship exists, state "NONE."

## Examples:

- If your spouse, parent, or child is the District's Purchasing Coordinator and a bid is being submitted to the Purchasing Department, this relationship must be reported.
  - If your spouse, parent, or child is the Principal at a School and your business may sell items directly to that school, this relationship must be reported.
  - If you or your spouse, parent, or child is in business with a District employee that would be making a recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.
  - If you employ or do business with a spouse, parent, or child of a District employee that would be making a recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.
  - If you are a District employee and would be making a recommendation concerning a purchase or sales transaction involving you, the relationship must be reported.
  - If your neighbor or friend is a District employee that would be making a recommendation concerning a purchase or sales transaction involving you and you feel that your relationship with this employee could affect their recommendation, this relationship must be reported. If any other situation exists that would result in a conflict of interest, the relationship must be reported. If your spouse, parent, or child is a teacher that does not make recommendations concerning purchasing or sales transactions, this relationship should not be reported.
  - If your spouse, parent, or child is a Principal at a School and a bid is being considered by a separate department such as Facilities Planning (Construction Department), this relationship should not be reported.
4. Sign and date this form.

*Note: A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. If you have any questions, please contact the Purchasing Department at 469-856-5032.*

# CONFLICT OF INTEREST QUESTIONNAIRE

# FORM CIQ

For vendor doing business with local governmental entity

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

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

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

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

## OFFICE USE ONLY

Date Received

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

**2**  Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

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

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

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

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

Yes       No

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

Yes       No

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

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

**7**

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

\_\_\_\_\_  
Date



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 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, 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.