



HABERSHAM COUNTY  
GEORGIA | Est. 1818

**Office of County Commissioners**

130 Jacobs Way, Suite 302, Clarkesville, GA 30523

706-839-0200

[www.habershamga.com](http://www.habershamga.com)

***Request for Qualifications***

***Guaranteed Energy Savings Performance Contract***

***for***

***the Habersham County Board of Commissioners***

Habersham County Board of Commissioners is soliciting proposals for: <b>Guaranteed Energy Savings Performance Contract</b>	
<b>RFQ Released</b>	April 24, 2024
<b>Deadline for Proposal Questions</b>	May 15, 2024, by 2:00 PM EST
<b>Proposals due</b>	May 22, 2024, by 2:00 PM EST
<b>Tentative Award Date</b>	June 17, 2024

*Right to Reject: In submitting a response to this RFQ, it is understood by the respondent that the right is reserved by the HABERSHAM COUNTY BOARD OF COMMISSIONERS to accept or reject any and all responses, and to waive any irregularities or informalities when to do so is in the best interest of the HABERSHAM COUNTY BOARD OF COMMISSIONERS.*



**Office of County Commissioners**  
**Guaranteed Energy Savings Performance Contract**  
**Proposal Due Wednesday May 22, 2024**  
**2:00 PM EST**

**Table of Contents**

**Request for Proposal**

Introduction and Background/RFQ Procedures.....	1
Terms and Conditions.....	2
Insurance Coverage Requirements.....	3
Questions and Interpretations .....	4
Format and Contents.....	5
Overview of the Opportunity.....	6
Esp Relevant Project History .....	8
Esp Team Member Qualifications.....	9
Esp's Discipline Profile.....	10
Bidder's Declaration.....	11
Non-Collusion Affidavit.....	12
Certificate of Non-Discrimination .....	13
W-9.....	14
E-Verify Affidavit and Agreement.....	15

## **INTRODUCTION AND BACKGROUND**

The Habersham County Board of Commissioners requests qualifications from interested Energy Services Companies (ESCO's) for the design and implementation of a Guaranteed Energy Savings Performance Contract in various facilities, in accordance with (OCGA Title 50, Ch. 37) or other Georgia legislation.

This Request for Qualifications requires the selected ESCO to conduct an investment grade audit. The selected firm will be required to identify, engineer, design, install, maintain, and provide financing options for approved energy conservation measures in a fixed cost scenario.

The intent of this project is to provide the HABERSHAM COUNTY BOARD OF COMMISSIONERS with the means to improve its designated facilities through guaranteed energy, operational, maintenance and capital cost avoidance savings, as well as new revenue sources.

## **RFQ PROCEDURES**

### **A. Point of Contact**

Questions concerning this RFQ and the procedures for responding to the RFQ should be directed to:

Purchasing Department  
purchasing@habershamga.com

### **B. Submission of Responses**

Responses must be received by 2:00 PM EST on May 22, 2024. Respondents should submit three (3) paper copies and one (1) electronic copy of the response to:

Tim Sims  
Chief Financial Officer  
130 Jacob's Way Suite 301  
Clarkesville, GA 30523  
"Proposals Enclosed – Guaranteed Energy Savings Contract"

Responses received after the time and date specified above will be disqualified as unresponsive.

### **C. Schedule of Events**

The following time frame is expected to be followed during the procurement period of this RFQ. This is a tentative schedule, and dates are subject to change.

## Terms & Conditions

1. The initial term of a contract awarded as a result of this RFP shall be from date of award through completion of purchase of specified vehicle.
2. Submittals received after the due date and time will not be considered. Modifications received after the due date will not be considered. Habersham County Government assumes no responsibility for the premature opening of a proposal not properly addressed and identified, and/or delivered to the improper designation.
3. Habersham County reserves the right to reject any and all proposals. The County will not discriminate against any vendor submitting a bid because of race, creed, color, national origin, or handicap. The County is an equal opportunity employer.
4. Habersham County encourages all proposers to promote opportunities for diverse business, including Minority Business Enterprises (“MBE”), Female Business Enterprises (“FBE”), and Small Business Enterprises (“SBE”) to be included as sub-consultants and/or bidders. However, nothing herein should be construed to indicate that a MBE, FBE, or SBE may not apply and be selected independently. MBEs, FBEs, and SBEs that meet qualifications of this RFP are encouraged to submit their proposals for consideration.
5. Habersham County reserves the right to exercise discretion and apply its judgement with respect to all bid proposals submitted. The County also reserves the right to reject all proposals, either in part or in its entirety, or to request and obtain, from one or more of consulting firms submitting proposals, supplementary information as may be necessary for County staff to analyze the bid proposals.
6. Habersham County may elect to award a contract in multiple phases, as is deemed to be in the County’s best interest. Should the County award projects in phases, the County reserves the right to award the phases to the same firm. All proposals submitted in response to the RFP become property of Habersham County and public records and will be subject to public view.
7. All proposals shall constitute, for a period of 90 calendar days, an irrevocable offer to provide the goods/services set forth in the specifications and proposal.
8. At no time shall the successful vendor reproduce Habersham County’s logo, return address or any other identifying or proprietary information for any other purpose. Also, the vendor shall not use Habersham County in any advertisements without the written consent of the County. Refer to [https://www.habershamga.com/document\\_center.cfm?fid=277&ysnDC=1](https://www.habershamga.com/document_center.cfm?fid=277&ysnDC=1); County Commissioners Documents and Information; to download a copy of the Application for Permission to Use County Logo.

9. Habersham County Government is tax exempt. The selected vendor will be provided with Habersham County's Sales and Use Tax Certificate of Exemption number upon request.

10. All bidders will be required to provide a Certificate of Insurance as proof of insurance and Workman's Compensation Insurance while under contract with Habersham County. Workman's Compensation Insurance should be as required by the State of Georgia.

11. Information provided within the bidder's proposal are subject to open records request per Georgia Law. For more information, please visit <https://www.habershamga.com/open-records-request.cfm>.

12. Habersham County follows the purchasing policies and procedures adopted on December 14, 2015 through Habersham County Ordinance to Chapter 1; Article 4, Division 2. Refer to [http://www.habershamga.com/document\\_center.cfm?fid=339&synDC=1](http://www.habershamga.com/document_center.cfm?fid=339&synDC=1); Finance Department Policies; for complete document.

### **Insurance Coverage Requirements**

ALL BIDDERS MUST FURNISH PROOF OF LIABILITY INSURANCE, WORKER'S COMPENSATION LIABILITY INSURANCE, AND ANY OTHER INSURANCE REQUIRED BY APPLICABLE STATE, FEDERAL, AND ADMINISTRATIVE LAW.

Such proof shall be submitted with the bid/proposal and show evidence of insurability satisfactory to Habersham County as to form and content. If the bid is selected by the County, the Bidder must maintain, at a minimum, the insurance policies and minimums indicated in the selected bid. If the Bidder maintains broader coverage and/or higher limits than shown in the bid, Habersham County shall be entitled to coverage for the higher limits maintained by the Bidder.

Any and all Insurance Coverage(s) and Bonds required under the terms and conditions of the contract shall be maintained during the entire length of the contract, including any extensions or renewals thereto, and until all work has been completed to the satisfaction of Habersham County. Evidence of said insurance coverages shall be provided on or before the inception date of the Contract.

Bidder shall provide written notice to Habersham County immediately if it becomes aware of or receives notice from any insurance company that coverage afforded under such policy or policies shall expire, be cancelled, or altered.

Certificates of Insurance are to list Habersham County Government, its' Officers, Officials and Employees as an Additional Insured (except for Workers' Compensation and Professional Liability). This insurance shall apply as Primary Insurance before any other insurance or self-insurance, including any deductible, non-contributory, and Waiver of Subrogation provided in favor of Habersham County. If Habersham County shall request, the Bidder will furnish the County for its inspection and approval of such policies of insurance with all endorsements, or confirmed specimens thereof certified by the insurance company to be true and correct copies.

The obligations for the Bidder to procure and maintain insurance shall not be constructed to waive or restrict other obligations. It is understood that neither failure to comply nor full compliance with the foregoing insurance requirements shall limit or relieve the Bidder from any liability incurred as a result of their activities/operations in conjunction with the Contract and/or Scope of Work.

### **Questions and Interpretations**

**No inquiries or interpretation of meaning concerning this Request for Proposal will be made to any interested party orally. Every inquiry or request for interpretation should be made in writing via e-mail. All inquiries and requests for interpretation should be sent via e-mail to [purchasing@habershamga.com](mailto:purchasing@habershamga.com). All questions and all answers will be posted on the website [www.habershamga.com](http://www.habershamga.com). It will be the responsibility of interested parties to periodically check the website for any new information.**

## **FORMAT AND CONTENTS**

Responses must be submitted in the format outlined in this section. Responses must be no more than twenty-five (25) pages total. Note: Cover Letter and Table of Contents do not count toward the page limit. The HABERSHAM COUNTY BOARD OF COMMISSIONERS reserves the right to eliminate from further consideration any submittal deemed to be substantially or materially unresponsive to the requests for qualifications contained herein.

### **A. Executive Summary**

Responses shall include a concise abstract stating the respondent's understanding of the district's goals and objectives. The ESCO's submission should identify their firm's ability to satisfy HABERSHAM COUNTY BOARD OF COMMISSIONERS' unique financial, technical and strategic goals and objectives.

### **B. Company Background & Experience**

1. Provide a company overview / history of organization.
2. Describe prior relevant work experience and provide a minimum of five (5) references of Guaranteed Energy Savings Programs implemented by your organization. Provide the customer's name, total project cost, name and telephone number of contact person, and a brief description of the project.
3. Provide a comprehensive list of all Guaranteed Energy Savings Programs implemented by your organization in the state of Georgia.

### **C. Project Development**

1. Provide a description of your organization's project development process and typical schedule.
2. Provide an overview of any additional service offerings currently being offered by your company. Highlight the specific ways that you believe HABERSHAM COUNTY could benefit from these services.
3. Describe the process that your company uses to select the products and materials that will be proposed as part of this project. Include a comprehensive list of any products or materials that would be offered by your company as part of this project which are manufactured, produced, owned, or otherwise controlled by your company or its affiliates.

### **D. Project Management**

1. Provide a description of your organization's approach to project management.
2. Provide a description of your organization's approach to the on-going maintenance (service) of the installed equipment.
3. Provide a description of your organization's approach to warranty issues.

### **E. Financial**

Provide a summary of your financial statements for the previous five (5) years.

## **OVERVIEW OF THE OPPORTUNITY**

### **A. Prospective Implementation**

An ESP selected under this RFP will be required to execute an Audit Agreement, a form of which is attached hereto as Attachment F. If Owner elects to install or implement the energy conservation measures (ECMs) recommended by ESP, ESP will be required to execute a GESPC, a form of which is attached hereto as Attachment G. In deciding whether to submit a Proposal in response to this RFP, ESPs must review the form of Audit Agreement and the form of GESPC because they indicate the parameters of services and obligations to be undertaken by ESPs. ESPs should not anticipate any modifications to these forms. ESPs should also review the state GESPC Act for applicable statutory rules.

### **B. Investment Grade Energy Audit Agreement**

After making a final selection under this RFP, the Owner and the selected ESP will execute the form of Audit Agreement, whereby ESP will conduct an investment grade audit of the premises. In accordance with the Audit Agreement, ESP will be required to produce an audit report summarizing its recommendations for ECMs based on anticipated energy and operational cost savings or enhanced revenues resulting from the ECMs. The audit report must include (i) a detailed economic analysis of the proposed project's performance over the contract time for verified savings; (ii) estimates – for each ECM – of all costs of installation, maintenance, service, and repairs; and (iii) estimates of verified savings to be achieved.

### **C. Guaranteed Energy Savings Performance Contract**

After ESP performs the audit and submits the audit report, Owner, in its sole discretion, may elect to execute a GESPC with ESP, whereby ESP shall design, procure, fabricate, construct, install, commission, and test those ECMs that Owner selects, and in which ESP guarantees a set level of guaranteed savings.

The GESPC shall comprise two phases of work: (1) ECM Installation Work and (2) ECM Continuing Services. As part of the ECM installation work, ESP shall provide detailed designs and specifications for the ECMs and surrounding areas of the premises for Owners review and comment. ESP shall make all reasonable modifications requested by Owner. ESP shall then proceed to provide ECM submittals for each ECM. When Owner approves such ECM submittals, ESP will move forward with installation and implementation of ECMs. ESP shall at all times comply with the project installation schedule.



The contract time for work shall begin on the date such work is permitted to proceed under the GESPC and continue through the date established for final completion in the GESPC. ECM continuing services shall occur as provided in the GESPC, but may continue during and after the contract time for verified savings, which shall begin on the later of (1) acceptance of the work or (2) the date Owner provides a notice of commencement of contract time for verified savings, and shall end at the end of the fiscal year that is (1) year thereafter.

In accordance with the Act, a GESPC must include a guarantee that the dollar value of verified savings will meet or exceed the cost of the ECMs within the contract time for verified savings, which shall be no longer than 20 years from acceptance of the work. The GESPC will require ESP to provide Owner with an annual review of the guaranteed savings and verified savings and will hold ESP liable for any annual verified savings shortfall. Prior to entering into a GESPC, Owner must submit a proposed GESPC to the executive director of the Georgia Environmental Finance Authority (hereinafter "GEFA") for review and approval. The GESPC will further require ESP to furnish to Owner an energy savings guarantee bond, a bank letter of credit, or other surety instrument acceptable to Owner equal to the amount of guaranteed savings for the contract time for verified savings. As verified savings are realized during the contract time for verified savings, the value of the energy savings guarantee bond, bank letter of credit, or other surety instrument may decrease proportionately in an amount determined by Owner.

## ESP RELEVANT PROJECT HISTORY

Describe at least three completed guaranteed energy savings performance contracting projects in repayment with at least one complete year of savings performance data currently under contract with the ESP. Limit your response to those projects that have been managed directly by the specific branch, division, office, or any individual in such branch, division, or office who will be specifically assigned to work on Owner's project. Please indicate those project references involving facilities which are similar in size and complexity to Owner's.

1. Project name and location, number of buildings, primary use, total square footage.
2. Project dollar amount (installed project costs) and source of project financing.
3. Primary ECMs installed and ESP services provided.
4. Proposed construction start and end dates.
5. Contract start and end dates.
6. If the project was not completed on schedule, please explain.
7. Dollar value of projected annual energy savings, dollar value of guaranteed annual energy savings, dollar value and type of annual operational cost savings (if applicable), e.g., outside maintenance contracts, material savings, etc.
8. Method(s) of savings measurement and verification.
9. Provide names of Owner(s)' representatives with whom the ESP did business on this project. You should ensure that all representatives are familiar with this project. Also, provide current and accurate telephone numbers and email addresses for the specified representatives. Do not include the ESP's personnel or co/subcontractors as a reference.
10. Describe the specific roles and responsibilities of ESP personnel associated with the identified project. Limit your response to only those personnel who will be directly involved in Owner's project.
11. Identify the major subcontractors on this project and describe their scope.

## ESP TEAM MEMBER QUALIFICATIONS

Describe the relevant experience, qualifications, and educational background for up to five of the individual team members planned to be most significantly involved and assigned to Owner's project using the format provided below. Do not include individual resumes in lieu of this information.

1. Name of project team member and current job title.
2. Number of years with ESP.
3. Primary office location.
4. Job responsibilities.
5. Number of years with firm and job responsibilities.
6. Previous employment and years of service/type.
7. Educational background, degrees/disciplines.
8. College/university.
9. Professional/technical professional affiliations.
10. List all energy performance contracting projects this individual has been involved with during the past five years including project location, type of facilities, year implemented, and dollar value of installed project costs.
11. Provide a detailed description of the role and responsibilities this individual will have for the duration of this project.
12. Describe any other relevant technical experience.

## ESP's DISCIPLINE PROFILE

Identify all persons who are proposed to have responsibilities for each of the technologies listed below. Provide for each: Primary roles, responsibilities, and years of experience with specific technology. Indicate for each whether they are an employee or subcontractor employee.

1. Energy Management Systems and Controls
2. HVAC
3. Central Plant
4. Water Conservation
5. Energy Auditing
6. Project Management
7. Engineering/Design
8. Construction Management
9. Training Services
10. Commissioning
11. Measurement and Verification (M&V) – Provide Methodology Used
12. Operations and Maintenance (O&M) Services

## Detailed Evaluation by Owner

A selection committee made up of qualified Owner representatives/stakeholders may be established by Owner, and the committee shall select the “finalist” ESP(s) for further consideration. The evaluation for the selection of finalist ESPs shall include a thorough review of the Qualifications Proposal. Specific evaluation criteria for Owner evaluation of Proposals are as follows:

**(40% of overall Proposal evaluation): ESP’s relevant qualifications and experience including, but not limited to:**

- Overall qualifications of listed key personnel for the prospective project
- Recent experience of the personnel and/or firm in facilities of similar size, complexity, and project scope, and provision of resources and comprehensive services covering many aspects of energy and water concerns for similar facilities, ranging from heavy equipment and systems to individual fixtures, etc.
- The firm and team’s expertise in complex building systems technology, water and wastewater treatment, renewable energy technologies, and maintenance and operations system technologies

**(40% of overall Proposal evaluation): ESP’s suitability for this project including, but not limited to:**

- The firm’s apparent fit to the project type and/or needs of the Owner team
- Any special or unique qualifications for the proposed project team
- Current and projected workloads (available resources), proximity of office(s) and/or lead staff to project location and/or proven ability to gather appropriate resources in location of service
- Special or enhanced capabilities for optimizing building management efficiency and quality energy services in relevant facilities with minimal or no disruption

**(20% of overall Proposal evaluation): ESP’s history of innovation, creative thinking, and market leadership:**

- The firm’s experience with emerging technologies and innovative measures within a GESPC that go beyond the basics—lighting, controls, and mechanical systems
- The firm’s history of creative solutions to minimize energy and water use, including sophisticated forms of energy, water, and heat recovery
- The firm’s track record for process optimization
- The firm’s experience addressing deferred maintenance in GESPC projects in ways that minimize future maintenance demands

**BIDDERS DECLARATION**

The bidder understands, agrees and warrants:

That the bidder has carefully read and fully understands the full scope of the requirements.

That the bidder has the capability to successfully undertake and complete the responsibilities and obligations in said specifications.

That the bidder has liability insurance and a declaration of insurance form will be provided before the commencement of any work.

That this bid may be withdrawn by requesting such withdrawal in writing at any time prior to **May 22nd, 2024 at 2:00 p.m.** but may not be withdrawn after such date and time.

That Habersham County reserves the right to reject any or all bids and to accept that bid which will, in its opinion, best serve the public interest. Habersham County reserves the right to waive any technicalities and formalities in the bidding.

That by submission of this bid the bidder acknowledges that Habersham County has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information supplied by the bidder.

If a partnership, a general partner must sign.

If a corporation, the authorized corporate officer(s) must sign and the corporate seal must be affixed to this bid.

**BIDDER:**

\_\_\_\_\_

Name Title

\_\_\_\_\_

Name Title

**AFFIX CORPORATE SEAL (If Applicable)**

**NON-COLLUSION AFFIDAVIT**

The following affidavit is to accompany the bid:

**STATE OF** \_\_\_\_\_

**COUNTY OF** \_\_\_\_\_

Owner, Partner or Officer of Firm, \_\_\_\_\_  
**Company Name, Address, City and State**

Being of lawful age, being first duly sworn, on oath says that he/she is the agent authorized by the bidder to submit the attached bid. Affidavit further states as bidder, that they have not been a party to any collusion among bidders in restraint of competition by agreement to bid at a fixed price or to refrain from bidding; or with any office of Habersham County or any of their employees as to quantity, quality or price in the prospective contract; or any discussion between bidders and any official of Habersham County or any of their employees concerning exchange of money or other things of value for special consideration in submitting a sealed bid for:

**FIRM NAME** \_\_\_\_\_

**SIGNATURE** \_\_\_\_\_

**TITLE** \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of 20\_\_

\_\_\_\_\_  
**NOTARY PUBLIC**

**CERTIFICATE OF NON-DISCRIMINATION**

In connection with the performance of work under this contract, the bidder agrees as follows:

The bidder agrees not to discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, ancestry or disability. The vendor shall take affirmative action to insure that employees are treated without regard to their race, creed, color, sex, national origin, ancestry or disability. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruiting or recruitment, advertising, lay-off or termination, rates of pay or other compensation and selection for training, including apprenticeship.

In the event of the bidder's non-compliance with this non-discrimination clause, the contract may be canceled or terminated by Habersham County. The bidders may be declared, by Habersham County, ineligible for further contracts with Habersham County until satisfactory proof of intent to comply shall be made by the vendor. The bidder agrees to include this non-discrimination clause in any sub-contracts connected with the performance of this agreement.

\_\_\_\_\_  
**BIDDER**

\_\_\_\_\_  
**SIGNATURE**

\_\_\_\_\_  
**TITLE**



# Request for Taxpayer Identification Number and Certification

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

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name/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) $\&$ _____	Exemptions (see instructions):  Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____
	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), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person $\&$	Date $\&$
-----------	-------------------------------	-----------

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.  
 Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at [www.irs.gov/w9](http://www.irs.gov/w9). Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

### 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, payments made to you in settlement of payment card and third party network transactions, 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, and  
 4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

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.



**Office of County Commissioners**  
555 Monroe Street, Unit 20, Clarkesville, GA 30523  
706-839-0200 Fax: 706-839-0219  
[www.habershamga.com](http://www.habershamga.com)

**STATE OF GEORGIA  PROGRAM VENDOR/CONTRACTOR  
AFFIDAVIT AND AGREEMENT**

**COMES NOW** before me, the undersigned officer duly authorized to administer oaths, the undersigned contractor, who, after being duly sworn, states as follows:

By executing this affidavit, the undersigned contractor verifies it's compliance with O.C.G.A 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of Habersham County has registered with, is authorized to use, and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. 13-10-91 (b). Contractor hereby attests that its federal work authorization user identification number and date are as follows:

\_\_\_\_\_  
EEV / Basic Pilot Program User ID Number (E-Verify)

**FURTHER AFFIANT SAYETH NOT.**

\_\_\_\_\_  
BY: Authorized Officer or Agent Signature

\_\_\_\_\_  
Contractor Address

\_\_\_\_\_  
Title of Authorized Officer or Agent of Contractor Above

\_\_\_\_\_  
Company / Contractor Name

\_\_\_\_\_  
Contractor City, State, Zip Code

\_\_\_\_\_  
Date of Contract between Contractor and Habersham County

**Sworn to and subscribed before me**

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\* Any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603. As of the effective date of O.C.G.A. § 13-10-91, the applicable federal work authorization program is the "EEVI Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security in conjunction with the Social Security Administration (SSA).