



Request for Proposals

For

**GRANT MANAGEMENT
AND CONSULTING SERVICES**

P020-24

Proposals due by 5:00 p.m. (Central Time), December 20, 2023

Brownsville Public Utilities Board
1425 Robinhood Drive, P.O. Box 3270
Brownsville, TX 78523-3270
<http://www.brownsville-pub.com>

**LEGAL NOTICE
AND
REQUEST FOR PROPOSALS
P020-24**

The Brownsville Public Utilities Board (“BPUB”) is requesting Competitive Sealed Proposals (hereon styled “RFP”) for Grant Management and Consulting Services. BPUB’s Purchasing Office located at 1155 FM 511, Olmito, TX, will accept RFP’s from qualified firms **until 5:00 PM, December 20, 2023. RFP’s received after this time will not be considered.**

RFP’s will be acknowledged by BPUB on December 21, 2023 at 11:00 AM (CST). Firms are invited to listen to the opening via conference call, (956) 214-6020, at 11:00 AM, December 21, 2023.

BPUB RFP documents may be obtained from the BPUB website at https://www.brownsville-pub.com/rfp_status/open/

Please mark on the **outside of the envelope and on any carrier’s envelope: “Sealed Proposal for Grant Management and Consulting Services, P020-24, December 20, 2023, 5:00 PM”**, c/o Diane Solitaire, Purchasing Department, 1155 FM 511, Olmito, TX 78575.

BPUB will not be responsible in the event that the U.S. Postal Service or any other courier system fails to deliver the sealed proposal package to the BPUB Purchasing Office by the given RFP deadline above. **Electronic transmission or facsimile of RFP’s will not be acceptable.**

BPUB reserves the right to reject any or all responses and to waive irregularities contained therein and to accept any response deemed most advantageous to BPUB.

Diane Solitaire
Purchasing and Materials Manager
Brownsville Public Utilities Board
(956) 983-6366 - Phone

Please submit this page upon receipt

ACKNOWLEDGEMENT FORM

P020-24

Grant Management and Consulting Services

For any clarifications, please contact Diane Solitaire at the BPUB Purchasing Department at (956) 983-6366 or via e-mail at dsolitaire@brownsville-pub.com.

Please email this page upon receipt of the RFP package or legal notice. If you only received the legal notice and you want the RFP package mailed please provide a method of shipment with account number in the space designated below.

Check one:

Yes, I will be able to send an RFP response and obtain the RFP package from website.

Yes, I will be able to send an RFP response; please email the RFP package.

Email: _____

Yes, I will be able to send an RFP response; please mail the RFP package using the carrier & account number listed below:

Carrier: _____

Account: _____

No, I will not be able to send an RFP response for the following reason:

If you are unable to send your RFP response, kindly indicate your reason above and return this form **via email to dsolitaire@brownsville-pub.com**. This will ensure you remain active on our vendor list.

Date _____

Company: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____

Email: _____

INTRODUCTION

Introduction

Brownsville Public Utilities Board (BPUB) is located in Brownsville, Texas and is a community-owned utility providing full-service utility solutions (electric, water, sewer) to our customers. BPUB was formed in 1960 to provide electric, water, and wastewater services to its customers in the Brownsville area. According to the City's Charter, management, operation, and control of the City's combined water, wastewater, and electric utility systems is delegated to the Public Utilities Board, comprised of seven members, six of whom are appointed by the City Commission for four-year terms, and the seventh member being the City's Mayor serving Ex-officio.

The BPUB organization is under the leadership of a General Manager & CEO, who reports to the Board of Directors and oversees three Executive Managers: Assistant General Manager and Chief Operating Officer (COO), Chief Financial Officer (CFO), and Chief Administrative Officer (CAO). Each of the three executive officers oversee a section of the utility (operations, finance, administration) and directly supervises the senior managers (Directors) in the following divisions: Water/Wastewater Operations, Special Projects & Water/Wastewater Engineering & Planning, Environmental Services, Electric Transmission & Distribution, Power Supply, Human Resources, Customer Services, Enterprise Solutions, and Finance. BPUB's workforce consists of 642 budgeted FTEs and approximately 585 occupied positions.

Objective

The purpose of this Request for Proposals ("RFP") is to solicit responses that result in a contract with one or more qualified Respondent(s) who can demonstrate that they have the resources, experience, and qualifications to perform the services described herein.

Instructions to Participating Firms

BPUB is requesting proposals from firms interested in providing grant management and consulting services for the utility.

Firms shall be fully staffed with full-time, in-house, experienced personnel in grant management and consulting services. Additionally, firms shall demonstrate they have successfully provided grant management and consulting services to those specified in the Scope of Services section of this RFP, with at least five (5) years' experience specifically in the public utilities sector.

The following instructions should be followed:

1. RFP responses must include a statement that they are valid for a minimum period of ninety (90) days after the RFP Response closing date.
2. Please limit your response to relevant material; additional information must be submitted as an attachment or appendix.

3. Identify the question being answered in the introduction to each response.
4. After the release of this solicitation, the Proposer's contact regarding this RFP with members of the RFP evaluation, interview, or selection panels, and employees of the BPUB or officials of the BPUB other than the Purchasing Manager or Purchasing Staff is prohibited and may result in disqualification from this procurement process. No officer, employee, agent, or representative of the Proposer shall have any contact or discussion, verbal or written, with any members of the BPUB Board of Directors, members of the RFP evaluation, interview, or selection panels, BPUB staff, or directly or indirectly through others, seek to influence any BPUB Board member, BPUB staff regarding any matters about this solicitation, except as herein provided. If a representative of any Proposer violates the foregoing prohibition by contacting any of the above-listed parties with whom contact is not authorized, such contact may result in the Proposer being disqualified from the procurement process.
5. The BPUB is not bound under any contract until it authorizes the General Manager to execute the contract and the contract is executed by both parties.
6. It is a policy of the BPUB to refuse to enter into a contract or other transaction with an individual, sole proprietorship, joint venture, Limited Liability Company, or other entity indebted to BPUB.
7. The successful Firm agrees to send a personal representative with binding authority for the company to the BPUB upon request to adjust and/or assist with coordinating all transactions as needed.
8. The BPUB has implemented a vendor payment service by depositing the payment directly to the vendor's bank account. Successful vendor(s) will be required to receive payments directly through Automated Clearing House (ACH) in lieu of a paper check. The awarded vendor must agree to receive payments via ACH (Direct Deposit).
9. Per IRS Publication 1220, a W9 form, or a W8 form in cases of a foreign vendor, will be required of all vendors doing business with the BPUB. If a W9 or W8 form is not made available to BPUB, the first payment will be subject to income tax withholding at 28% or 30% depending on the U.S. status and the source of income as per IRS Publication 1220. The W9 or W8 form must be included with the proposal. Attached are sample forms.
10. The BPUB is exempt from Federal Excise Tax, State Sales Tax and Local taxes. Do not include tax in the proposal. If it is determined that tax was included in the proposal, it will not be included in the tabulation or any awards. Tax exemption certificates will be furnished upon request.

11. Failure to sign the proposal will disqualify it. The person signing the proposal should show title or authority to bind their Firm to a contract.
12. During the performance of this contract, the Firm agrees not to discriminate against any employee or applicant for employment because of race, national origin, age, religion, gender, marital or veteran status or physically challenging condition.
13. On April 16, 2007, the BPUB Board of Directors approved a local "living wage" policy that requires all Contractors and Subcontractors performing 100% Non-Federally funded Work for the BPUB to pay not less than a minimum wage rate of \$8.00/hour. The BPUB requires that all Contractors and Subcontractors comply with this policy.
14. The BPUB will contact the prospective Firm's references by telephone or email. Complete the attached "Previous Customer Reference Worksheet" for each reference provided.
15. The Firm agrees to maintain professional errors and omissions liability insurance of not less than one million dollars (\$1,000,000.00) annual aggregate, on a claims-made basis, as long as reasonably available under standard policies.

BPUB Rights

1. If only one or no RFP response is received by the "submission date", the BPUB has the right to reject, re-propose, accept and/or extend the RFP by up to an additional two (2) weeks from the original submission date.
2. The right to reject any/or all RFPs and make award awards as they may appear advantageous to the BPUB.
3. The right to hold the RFP for 90 days from the submission date without action and to waive all formalities in the RFP.
4. The right to extend the total RFP beyond the original 90-day period before an award if agreed upon in writing by both parties and if the RFP holds firm.
5. The right to terminate all or any part of the unfinished portion of the work resulting from this solicitation within thirty (30) days' written notice; upon default by the Firm, for delay or non-performance by the Firm, or if it is deemed in the best interest of the Utilities for convenience.
6. The BPUB reserves the right to request additional information or meet with representatives from responding organizations to discuss points in the RFP before and after submission, all of which may be used to form a recommendation.
7. The BPUB reserves the right to reject all proposals and to accept the proposal it considers in its best interest based upon the requirements and descriptions outlined in this RFP.

Any interpretation, correction, or change of the RFP will be made by ADDENDUM. The BPUB Purchasing Department will issue changes or corrections. **Addenda will be emailed to all who have returned the RFP Acknowledgement Form.** Addenda will be issued as expeditiously as possible. The vendors are responsible for determining whether all addenda have been received. It will be the responsibility of all respondents to contact the BPUB before submitting a response to the RFP to ascertain if any addenda have been issued, and to obtain any and/ or all addenda, execute them, and return addenda with the response to the RFP. Addenda may also be posted on BPUB's webpage.

Scope of Services

The intent of this RFP is to establish a contract for Grant Management & Consulting Services for the BPUB. The consultant will help BPUB identify potential grant funding sources and will assist with the preparation of grant applications and supporting documentation to ensure compliance with funding requirements. The consultant will be expected to coordinate with department administrators to identify BPUB projects that are compatible with available funding sources. The consultant will also track the status of grant applications and provide additional information as required. The consultant will work with appropriate personnel to expedite internal processing of grant proposals and maintain a positive, proactive relationship with community organizations, city officials, non-profit agencies and other educational institutions to assist in compliance and process efficiency. Depending on the complexity of the data requirements for each grant application, the consultant will create and distribute standard and special reports, studies, summaries and analyses as required by the grant application and the users.

Requirements

Consultant (Grant Writer) shall perform the following tasks and duties:

Task 1: Identify grant opportunities.

Grant Development

- A. Identify and inform BPUB of upcoming state and federal grant opportunities.
- B. Supply information on grant opportunities to the BPUB's Grants Coordinator/Department.

Task 2: Prepare grant applications and supporting documentation to ensure compliance with funding requirements.

Preplanning

- A. Review grant application guidelines with BPUB staff.
- B. Provide consultation, planning and strategizing with BPUB staff throughout the process.

Task 3: Assists in the scheduling of meetings, the development of timetables, proposal language and the development of the grant application.

Grant Application

- A. Develop timelines and the strategy to ensure timely submission of the application.
- B. Structure work flow and execute work plan for the grant application.
- C. Collaborate with proper BPUB staff to obtain signatures, data, forms, etc.
- D. Locate, identify, research, collect and analyze data as set forth in the grant application guidelines.
- E. Provide research and research assistance, if necessary.
- F. Develop language for both the grant application narratives and data including, if necessary, charts, tables and diagrams to illustrate data.
- G. Prepare supplemental documents required for grant application completion.
- H. Prepare grant application with all required documents.
- I. Produce complete grant application to ensure timely submission.

Task 4: Proposal Package preparation, delivery and tracking

Completion

- A. Prepare drafts of grant application proposals.
- B. Coordinate reviews of the draft proposal documents with BPUB staff prior to submission of the RFP package.
- C. Provide copies of the final and completed application to BPUB staff prior to submission of the grant.

Consultant should be well informed of Code of Federal Regulations 2 (CFR) 200 (Uniform Guidance), as well as understandings of various state rules and regulations.

The consultant awarded a contract shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the work for at least three (3) years after completion of the later of final grant closeout or final audit of any project work performed under contract resulting from this RFP. The BPUB shall have access to all records, documents and information collected and/or maintained by others in the course of the administration of the agreement. Invoices are to be submitted in a format and frequency agreed upon by both parties. Successful awardee(s) will be expected to comply with applicable Federal and State grant requirements relating to program's invoices.

The respondent shall provide a narrative of the Firm's qualities, experience, and capabilities of personnel. Firm qualifications must include, at minimum, the following:

- Relevant Experience – Recent experience demonstrating current capacity and expertise in assisting agencies in administering programs, such as the following examples: FEMA; TWDB; CDBG, ARPA programs; and other state or locally funded grant programs; or other federally funded grant programs.
- Project Approach – Describe the approach and methodology that will be used to accomplish the work herein.

- Qualifications of Staff - Describe the composition and structure of the firm and include the names of persons with an interest in the Firm. Key project staff of the proposing Firm must have five years' experience, working in the field of grant consulting and management and should be available during normal working hours.
- Key Staff – The Respondent shall include a list of the proposed staff that will perform the work required if awarded this contract and a summary of staff qualifications. Provide resume representative of staff likely to be assigned to this project. An organizational chart and management plan should be included in this section. The Respondent shall also include minimum qualifications for each class of employee of the project team and identify his or her role on the team.
- Technical Approach - Provide a description of the respondent's approach to the project, to include Start-up procedures or requirements.

Proposal Due Date

Proposals are due **December 20, 2023** by **5:00 PM**, delivered via mail or courier service, to the BPUB Purchasing Department, 1155 FM 511, Olmito, TX 78575. **Proposals received after the deadline will not be considered.**

Proposals will be acknowledged on December 21, 2023 at 11:00 AM.

Submission of Proposals

A. Request for Information

By submitting a proposal, the respondent agrees to furnish such information as the BPUB may reasonably require. This information includes but is not limited to, information that indicates financial resources and the ability to provide services. To the extent there are any revisions or additions to the information provided or requested in the RFP, an addendum to the RFP will be sent to all respondents that initially received the RFP. Any addenda issued is to be considered part of the specifications of the RFP. The BPUB reserves the right to make investigations regarding the qualifications of the respondent.

B. Proposals Binding

Any proposal may be withdrawn in writing before the date and time set for receipt of proposals. The BPUB anticipates negotiating and executing an agreement with the selected respondent(s) by January, 2024. However, any proposal submitted and not withdrawn prior to the date and time set for receipt of proposals will be considered valid until the period ending March, 2024.

C. Incurred Expenses

The BPUB is not responsible for any costs incurred by a respondent to this RFP, including costs of participating in presentations or meetings with the BPUB.

D. Proprietary Information

All materials submitted to the BPUB in response to this RFP are, upon receipt by the BPUB, the property of the BPUB, may not be returned to the submitting party, and are subject to the Public Information Act, Chapter 522, Texas Government Code (the "Act"). Respondents should familiarize themselves with the provisions of the Act. In no event shall the BPUB, the City, or any of their agents, representatives, consultants, directors, officers or employees be liable to a respondent for the disclosure of all or a portion of the information submitted in response to this RFP.

If a respondent has special concerns about information which it desires to make available to the BPUB, but which it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such respondent should specifically and conspicuously designate that information by placing "CONFIDENTIAL" in the center header of each such page affected. Blanket, all-inclusive identifications by designation of whole pages or sections as containing proprietary information, trade secrets or confidential commercial or financial information are discouraged and may be deemed invalid.

If the BPUB receives a request for public disclosure of all or any portion of a response, the BPUB will use reasonable efforts to notify the applicable respondent of the request and give such respondent an opportunity to assert, in writing and at its sole expense, a claimed exception under the Act or other applicable law within the time period specified in the notice issued by the BPUB and allowed under the Act.

E. Acceptance/Rejection/Modification to Proposals

1. The BPUB reserves the right to negotiate modifications to the proposals, to reject any or all proposals, to request and consider additional information from any respondent, and to waive minor irregularities and technical defects. The BPUB will not waive non-compliance with the deadline to submit the response to the RFP.
2. The BPUB reserves the right to seek new proposals when it determines that it is in the BPUB's best interest to do so.
3. The BPUB reserves the right to accept the written proposal as an offer.
4. The BPUB reserves the right to award the contract to other qualified respondent(s) if the primary respondent chosen does not execute an agreement with the BPUB within thirty (30) days of being notified of selection.

F. Contract Term

Any contract resulting from this RFP shall be effective for 12 months from the date of award with an option to renew for up to three (3) additional one (1) year terms, not to exceed (4) years in total. To exercise this option, BPUB shall serve notice prior to contract termination. The option to renew will be considered at BPUB's discretion.

Evaluation Criteria and Selection Process

All proposals must be completed and convey all of the information requested to be considered responsive. If the proposal fails to conform to the essential requirements of the RFP, the BPUB alone will determine whether the variance is significant enough to consider the proposal susceptible to being made acceptable and therefore a candidate for further consideration, or not susceptible to being made acceptable and therefore not considered for award. Only the information provided with the proposal, subsequent discussions and clarifications provided in writing, and the proposer's written Best and Final Offer, is used in the evaluation process and award determination. Only these criteria will be considered on the award determination.

A committee of BPUB Staff members will review, score, and rank all the submittals received based on the criteria specified below and may develop a shortlist of Firms.

The shortlist of Firms may be required to make final presentations, including an interview with the BPUB Board of Directors. The BPUB Board of Directors will make the final selection.

The BPUB Board of Directors exercises their discretion in the final selection of a Firm for contract negotiations. It will not be bound by BPUB staff recommendation, scoring, and ranking. The BPUB staff's preliminary reviews and scoring of submittals merely determine top-ranked firms who are most technically qualified as finalists and are eligible for interviews by the BPUB Board of Directors.

A. Evaluation Criteria

The proposals will be reviewed and evaluated internally using a point system. This may result in the selection of a Firm, or a short list of Firms who may be required to provide additional information in writing or via an interview. A demonstration of services may also be requested. Regardless of the criteria met, the BPUB will select the proposal it feels best meets the needs of BPUB and its employees.

The evaluation criteria with corresponding weight will include:

1. Professional Qualifications **Weight: (25 points)**
Provide a history of your Firm, in terms of length of existence, and the types of services provided. Identify technical details that make the Firm uniquely qualified

for this work. List the names of executive and professional personnel by skill and qualification that will be involved in the grant management efforts outlined in this RFP.

2. Experience/References/Key Personnel Weight: **(25 points)**

Include a list of specific experience in the project area and indicate proven ability to implement similar projects for the Firm and the individuals involved. A list of client references should be provided, at least three (3) of which are for similar projects recently completed in the utility industry. The list shall include the organization/agency name, address, telephone number, project title, and contact person.

3. Proposed Methodology and Work Plan Weight: **(25 points)**

Provide a detailed and comprehensive description of how the Firm intends to provide the services requested in this RFP. This description shall include, but not be limited to: how the project(s) will be managed and scheduled, the methods the Firm will use to search for utility specific grants, how and when qualified grant information will be delivered to BPUB, communication and coordination, the working relationship between the offeror and BPUB staff, and the company's general philosophy in regard to providing the requested services.

4. Proposed Cost Weight: **(25 points)**

BPUB seeks a clear and comprehensive understanding of all costs associated with the services. In this section, the Firm must itemize all costs and the methodology for calculation of fees. Pricing should include a proposed lump sum fee on a not-to-exceed basis for each requirement in the scope of services section, including travel, lodging, and miscellaneous expenses. The information should be included if derived via time estimate and hourly rates.

POSSIBLE MAXIMUM POINTS 100

Any questions regarding this RFP or requests for available materials should be directed in writing via e-mail to:

dsolitaire@brownsville-pub.com

Please understand that all fees (including respondent counsel fees, if any) that the BPUB is expected to pay are contingent upon the final approval by the BPUB Board of Directors and that the laws of the State of Texas will govern the obligations of the BPUB.

The BPUB will not release information submitted relative to this RFP during the evaluation process or before contract award, unless the BPUB is required to do so by law.

B. Tentative Schedule

1. RFP issued December 4, 2023.
2. Last day to submit questions is December 13, 2023
3. **Proposals due no later than 5:00 p.m., Central Time, on December 20, 2023.**
4. Anticipated selection of preferred respondent(s) by January, 2024.
5. If applicable, execute an agreement by January, 2024.

Format and Content of RFP

This section of the RFP describes the required format and content for the respondent's proposal. This standardization will facilitate the evaluation of all proposals. Failure to comply with the required organization outlined in this RFP may result in a lowered evaluation. Proposals that are substantially incomplete or lack key information may be rejected. A proposal will be considered incomplete if the response to requested information states that the respondent considers the information proprietary and as such the information is not disclosed.

Proposals should be prepared in a manner that is straightforward, with a concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content.

Proposals should be organized in the order in which the requirements are presented in this RFP. Each paragraph of the response should reference the section of the corresponding section of the RFP. Respondent should respond to all information requested in this RFP or indicate why no response is given. It is also helpful to repeat the text of the requirements as it appears in the RFP before your answer to that question. Proposals that are not organized in this manner risk elimination for consideration if the evaluators cannot determine where the answer to a particular question is located within the response.

A. General Information

Please provide the following general information about the Firm and contact information for the person who is authorized to answer questions and to negotiate final terms and conditions on behalf of the respondent:

Name of Respondent

Main Office Address

Names and Addresses of Authorized Representatives Telephone
Number, Facsimile Number, E-mail Address

B. Disclosure Requirements

For all products, please list any offering documents or other types of disclosure requirements.

C. Ability to Meet the BPUB's Schedule

Please confirm that the respondent can meet the BPUB's expectations disclosed in the "Tentative Schedule" found on Page 13.

D. Conditions and Covenants

1. By acceptance of the respondent's proposal, the BPUB reserves the right to negotiate any proposed conditions and covenants.
2. Please provide any conditions and covenants that will affect your response.

E. Information Relating to the Respondent

Please provide the following:

1. Detail any criminal investigations or pertinent litigation against the respondent, either pending or concluded within the past three years. Specifically, address any litigation or administrative proceedings involving the Department.
2. Disclose any possible conflicts of interest or circumstances that could create the appearance of a conflict of interest. Disclose all contractual or informal business arrangements or relationships, including fee arrangements and consulting agreements, as well as any personal relationships, between your Firm, including professional staff, and any BPUB staff and/or members of the City.

Agreement Terms and Conditions

The BPUB reserves the right to reject any proposed form of agreement that does not conform to the RFP or any of the BPUB's requirements for agreements and contracts. The conclusion of any agreement resulting from accepting a proposal must be approved by the BPUB.

PROPOSAL COST SHEET
P020-24

Having read and examined the requirements and specifications for the above, the undersigned Firm proposes to perform the services set forth in the Original Proposal. The undersigned Firm hereby proposes to furnish the following product, as described herein, for the hourly rate of:

ITEM	DESCRIPTION	ESTIMATED HOURS TO COMPLETE	HOURLY RATE	LUMP SUM (Not-to-Exceed)
1	Task 1: Identify grant opportunities as outlined in the Scope of Services above			
2	Task 2: Prepare grant applications and supporting documentation as outlined in the Scope of Services above			
3	Task 3: Assist in the scheduling of meetings, development of timetables, proposal language and development of grant application as outlined in the Scope of Services above			
4	Task 4: Proposal package preparation, delivery and tracking as outlined in the Scope of Services above			
5	Prepare reports, studies, summaries and analyses			
6	Miscellaneous Expenses: (list any additional expenses)			

NOTE: Hourly rate should include proposed fees for the items described under the Scope of Services section, to include training, travel, lodging, and miscellaneous expenses as required.

Company Name: _____

Authorized Company Representative: _____

Authorized Company Representative: _____

Signature (Failure to sign proposal will disqualify it)

Company Address: _____

Telephone #: _____

Fax #: _____

Email: _____

Required Forms CHECKLIST

The following documents are to be submitted as a part of the Bid/RFP/RFQ document

NAME	FORM DESCRIPTION	SUBMITTED WITH BID	
		YES	NO
Legal Notice	Acknowledgement Form	<input type="checkbox"/>	<input type="checkbox"/>
	Debarment Certificate	<input type="checkbox"/>	<input type="checkbox"/>
	Ethic Statement	<input type="checkbox"/>	<input type="checkbox"/>
	Conflict of Interest Questionnaire	<input type="checkbox"/>	<input type="checkbox"/>
	W9 or W8 Form	<input type="checkbox"/>	<input type="checkbox"/>
	Direct Deposit Form (will be provided to the awarded vendor)	<input type="checkbox"/>	<input type="checkbox"/>
	Residence Certification	<input type="checkbox"/>	<input type="checkbox"/>
Special Instructions (if applicable)	Bid Schedule/Cost sheet completed and signed	<input type="checkbox"/>	<input type="checkbox"/>
	Cashier Check or Bid Bond of 5% of Total Amount of Bid	<input type="checkbox"/>	<input type="checkbox"/>
	OSHA 300 Log	<input type="checkbox"/>	<input type="checkbox"/>
	Contractor Pre-Bid Disclosure completed, signed and notarized	<input type="checkbox"/>	<input type="checkbox"/>
	Sub-Contractor Pre-Bid Disclosure completed, signed, and notarized	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
References	Complete the Previous Customer Reference Worksheet for each reference provided	<input type="checkbox"/>	<input type="checkbox"/>
Addenda			

ETHICS STATEMENT (Complete and Return this form with Response)

The undersigned firm, by signing and executing this RFP, certifies and represents to the Brownsville Public Utilities Board that firm has not offered, conferred or agreed to confer any pecuniary benefit, as defined by (1.07 (a) (6) of the Texas Penal Code, or any other thing of value as consideration for the receipt of information or any special treatment of advantage relating to this RFP; the firm also certifies and represents that the firm has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient’s decision, opinion, recommendation, vote or other exercise of discretion concerning this RFP, the firm certifies and represents that firm has neither coerced nor attempted to influence the exercise of discretion by any officer, trustee, agent or employee of the Brownsville Public Utilities Board concerning this RFP on the basis of any consideration not authorized by law; the firm also certifies and represents that firm has not received any information not available to other firms so as to give the undersigned a preferential advantage with respect to this RFP; the firm further certifies and represents that firm has not violated any state, federal, or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like and that firm will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value of any officer, trustee, agent or employee of the Brownsville Public Utilities Board in return for the person having exercised their person’s official discretion, power or duty with respect to this RFP; the firm certifies and represents that it has not now and will not in the future offer, confer, or agree to confer a pecuniary benefit or other thing of value to any officer, trustee, agent, or employee of the Brownsville Public Utilities Board in connection with information regarding this RFP, the submission of this RFP, the award of this RFP or the performance, delivery or sale pursuant to this RFP.

THE FIRM SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE BROWNSVILLE PUBLIC UTILITIES BOARD, ALL OF ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, ACTIONS, SUITS, DEMANDS, PROCEEDING, COSTS, DAMAGES, AND LIABILITIES, ARISING OUT OF, CONNECTED WITH, OR RESULTING FROM ANY ACTS OR OMISSIONS OF FIRM OR ANY AGENT OR EMPLOYEE OF FIRM IN THE EXECUTION OR PERFORMANCE OF THIS RFP.

I have read all of the specifications and general RFP requirements and do hereby certify that all items submitted meet specifications.

COMPANY: _____

AGENT NAME: _____

AGENT SIGNATURE: _____

ADDRESS: _____

CITY: _____

STATE: _____ ZIP CODE: _____

TELEPHONE: _____ TELEFAX: _____

FEDERAL ID#: _____ AND/OR SOCIAL SECURITY #: _____

DEVIATIONS FROM SPECIFICATIONS IF ANY:

NOTE: QUESTIONS AND CONCERNS FROM PROSPECTIVE CONTRACTORS SHOULD BE RAISED WITH OWNER AND ITS CONSULTANT (IF APPLICABLE) AND RESOLVED IF POSSIBLE, PRIOR TO THE PROPOSAL SUBMITTAL DATE. ANY LISTED DEVIATIONS IN A FINALLY SUBMITTED PROPOSAL MAY ALLOW THE OWNER TO REJECT A PROPOSAL AS NON-RESPONSIVE.

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY
MATTERS (Complete and Return this form with Response)**

Name of Entity: _____

The prospective participant certifies to the best of their knowledge and belief that they and their principals:

Are not presently debarred, suspended, proposed for debarment or suspension by The State Bar of Texas or any Federal court.

Have not within a three year period preceding this RFP been convicted of, had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, Local) with commission of any of the offenses enumerated in this paragraph of the certification; and

I understand that a false statement on this certification may be grounds for rejection of this RFP or termination of the award. In addition, under 18 USC Section 1001, a false statement may result in a fine up to a \$10,000.00 or imprisonment for up to five (5) years, or both.

Name and Title of Authorized Representative (Typed)

Signature of Authorized Representative

Date

I am unable to certify to the above statements. My explanation is attached.

THIS FORM MUST BE COMPLETED IN ITS ENTIRETY & SUBMITTED WITH BID RESPONSE

CONFLICT OF INTEREST QUESTIONNAIRE For vendor doing business with local governmental entity		FORM CIQ
<p>This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.</p> <p>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).</p> <p>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.</p> <p>A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.</p>	OFFICE USE ONLY <hr/> Date Received	
1 Name of vendor who has a business relationship with local governmental entity.		
2 <input type="checkbox"/> 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.	<hr style="width: 50%; margin: 0 auto;"/> 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.		
<p style="text-align: center;">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?</p> <p style="text-align: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p> <p style="text-align: center;">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?</p> <p style="text-align: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>		
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 <input type="checkbox"/> 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	<hr style="width: 50%; margin: 0 auto;"/> Signature of vendor doing business with the governmental entity	
		<hr style="width: 50%; margin: 0 auto;"/> Date

CONFLICT OF INTEREST QUESTIONNAIRE
For vendor doing business with local governmental entity

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

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

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

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

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

(2) the vendor:

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

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

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

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

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

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

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

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

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

BROWNSVILLE PUBLIC UTILITIES BOARD
RESIDENCE CERTIFICATION

In accordance with Art. 601g, as passed by the 1985 Texas Legislature, the following will apply. The pertinent portion of the Act has been extracted and is as follows:

Section 1. (a)

(1) "Nonresident bidder" means a bidder whose principal place of business is not in this state, but excludes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

(2) "Texas resident bidder " means a bidder whose principal place of business is in this state, and includes a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Section 1. (b)

The state or governmental agency of the state may not award a contract for general construction, improvements, services, or public works projects or purchases of supplies, materials or equipment to a nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located.

I certify that

(Company Name) is a **resident Texas bidder** as defined in Art. 601g.

Signature: _____

Print Name: _____

I certify that

(Company Name) is a **nonresident bidder** as defined in Art. 601g. and our principal place of business is: _____

(City and State)

Signature: _____

Print Name: _____

Form **W-8BEN-E**

(Rev. October 2021)
Department of the Treasury
Internal Revenue Service

**Certificate of Status of Beneficial Owner for
United States Tax Withholding and Reporting (Entities)**

▶ For use by entities. Individuals must use Form W-8BEN. ▶ Section references are to the Internal Revenue Code.
▶ Go to www.irs.gov/FormW8BENE for instructions and the latest information.
▶ Give this form to the withholding agent or payer. Do not send to the IRS.

OMB No. 1545-1621

Do NOT use this form for:

- U.S. entity or U.S. citizen or resident W-9
- A foreign individual W-8BEN (Individual) or Form 8233
- A foreign individual or entity claiming that income is effectively connected with the conduct of trade or business within the United States (unless claiming treaty benefits) W-8ECI
- A foreign partnership, a foreign simple trust, or a foreign grantor trust (unless claiming treaty benefits) (see instructions for exceptions) W-8IMY
- A foreign government, international organization, foreign central bank of issue, foreign tax-exempt organization, foreign private foundation, or government of a U.S. possession claiming that income is effectively connected U.S. income or that is claiming the applicability of section(s) 115(2), 501(c), 892, 895, or 1443(b) (unless claiming treaty benefits) (see instructions for other exceptions) W-8ECI or W-8EXP
- Any person acting as an intermediary (including a qualified intermediary acting as a qualified derivatives dealer) W-8IMY

Instead use Form:

Part I Identification of Beneficial Owner

<p>1 Name of organization that is the beneficial owner</p>	<p>2 Country of incorporation or organization</p>																
<p>3 Name of disregarded entity receiving the payment (if applicable, see instructions)</p>																	
<p>4 Chapter 3 Status (entity type) (Must check one box only):</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Simple trust</td> <td><input type="checkbox"/> Tax-exempt organization</td> <td><input type="checkbox"/> Corporation</td> <td><input type="checkbox"/> Partnership</td> </tr> <tr> <td><input type="checkbox"/> Central Bank of Issue</td> <td><input type="checkbox"/> Private foundation</td> <td><input type="checkbox"/> Complex trust</td> <td><input type="checkbox"/> Foreign Government - Controlled Entity</td> </tr> <tr> <td><input type="checkbox"/> Grantor trust</td> <td><input type="checkbox"/> Disregarded entity</td> <td><input type="checkbox"/> Estate</td> <td><input type="checkbox"/> Foreign Government - Integral Part</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> International organization</td> <td></td> </tr> </table> <p>If you entered disregarded entity, partnership, simple trust, or grantor trust above, is the entity a hybrid making a treaty claim? If "Yes," complete Part III. <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<input type="checkbox"/> Simple trust	<input type="checkbox"/> Tax-exempt organization	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Central Bank of Issue	<input type="checkbox"/> Private foundation	<input type="checkbox"/> Complex trust	<input type="checkbox"/> Foreign Government - Controlled Entity	<input type="checkbox"/> Grantor trust	<input type="checkbox"/> Disregarded entity	<input type="checkbox"/> Estate	<input type="checkbox"/> Foreign Government - Integral Part			<input type="checkbox"/> International organization	
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<p>6 Permanent residence address (street, apt. or suite no., or rural route). Do not use a P.O. box or in-care-of address (other than a registered address).</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">City or town, state or province. Include postal code where appropriate.</td> <td style="width: 30%;">Country</td> </tr> </table>		City or town, state or province. Include postal code where appropriate.	Country														
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For Paperwork Reduction Act Notice, see separate instructions.

Cat. No. 59689N

Form **W-8BEN-E** (Rev. 10-2021)