



**ALABAMA LAW ENFORCEMENT AGENCY
OFFICE OF THE SECRETARY**

REQUEST FOR PROPOSAL

**ACCOUNTANT FOR ALABAMA LAW ENFORCEMENT AGENCY'S
RECONCILIATION OF DEPARTMENT OF JUSTICE
EQUITABLE SHARING FUNDS**



TABLE OF CONTENTS

1. RFP NAME3

2. PURPOSE.....3

3. INTRODUCTION3

4. PROPOSAL SUBMISSION AND FORMAT3

4.1 SUBMISSION OF PROPOSAL FORMAT AND LAYOUT ----- 4

4.2 LOCATION FOR SUBMISSION OF PROPOSAL ----- 5

4.3 RFP WEBSITE----- 5

4.4 VENDOR LICENSURE----- 5

4.5 COMPLIANCE WITH BEASON-HAMMON ACT (ACT 2012-491)----- 5

4.6 PROPOSAL COSTS ----- 6

4.7 INCIDENTAL COSTS ----- 6

4.8 RESPONSIVENESS ----- 6

4.9 REVISIONS TO THE RFP----- 6

4.10 SOURCES FOR PROPOSAL REQUIREMENTS ----- 6

4.11 PROPOSAL VALIDITY ----- 7

4.12 ORAL PRESENTATIONS ----- 7

5. EVALUATION OF PROPOSALS AND SELECTION OF AWARD WINNER.....7

5.1 CRITERIA FOR SELECTION----- 7

5.2 RESERVATIONS----- 8

5.3 RESCISSION OF AWARD----- 8

5.4 FALSE OR MISLEADING STATEMENTS ----- 8

5.5 COMPLETENESS OF PROPOSAL ----- 8

5.6 CONTRACT AWARD TERMS ----- 8

6. CONTRACT LAWS.....8

7. PROPOSAL REQUIREMENTS14

7.1 RESPONDENT INFORMATION----- 14

7.1.1 Respondent’s Organizational Information and Leadership..... 14

7.1.2 Respondent’s Organizational Background..... 15

7.1.3 Respondent’s Statement on Employees..... 15

7.1.4 Respondent’s References and Related Experiences..... 15

7.1.5 Respondent’s State Business and Relationships..... 15

7.1.6 Respondent’s Subcontractors..... 15

7.2 GENERAL REQUIREMENTS OF THE RESPONDENT ----- 16

7.2.1 Acknowledgement Statement..... 16

7.2.2 General Statements..... 16

7.3 SPECIFIC REQUIREMENTS OF THE RESPONDENT----- 16

7.3.1 Asset Forfeiture Equitable Sharing Receipts..... 17

7.3.2 Asset Forfeiture Equitable Sharing Disbursements..... 17

7.3.3 Asset Forfeiture Equitable Sharing Bank Balances..... 17

7.4 RESPONSE REQUIREMENTS ----- 18

7.5 REQUIRED VENDOR DISCLOSURE STATEMENT INFORMATION AND INSTRUCTIONS ----- 18

8. EXHIBITS20

8.1 STATE OF ALABAMA VENDOR DISCLOSURE STATEMENT ----- 20

8.2 IMMIGRATION COMPLIANCE CERTIFICATE ----- 20

8.3 IRS FORM W-9 ----- 20

8.4 COVER SHEET EXAMPLE ----- 20





1. **RFP NAME**

Please consider this ALEA's Request for Proposal for the following:

Accountant for Alabama Law Enforcement Agency's Reconciliation of
Department of Justice Equitable Sharing Funds

2. **PURPOSE**

The Alabama Law Enforcement Agency (ALEA), is releasing this Request for Proposal (RFP) to seek professional accounting services from an independent third party.

The successful Respondent will assist in supplementing and supporting the efforts of current staff of the ALEA, as well as the Department of Justice (DOJ) Asset Forfeiture Money Laundering Section (AFMLS).

3. **INTRODUCTION**

The Alabama Law Enforcement Agency (ALEA) seeks to have a Do Not Spend (DNS) letter removed from the Department of Justice Equitable Sharing Funds provided to the State of Alabama. In order to have the Do Not Spend (DNS) Letter rescinded, it is required that ALEA provide a formal authorization that their equitable sharing account balances determined during the in-house reconciliation have been reviewed and approved to be reasonably accurate; provide evidence confirming the new beginning balance of the DOJ equitable sharing account after the commingling issues noted have been rectified; and verify DOJ funds are maintained/tracked separate and apart from any other funding source.

4. **PROPOSAL SUBMISSION AND FORMAT**

This RFP is issued in accordance with the requirements of Code of Alabama 1975, § 41-16 as well as any other applicable state laws. This RFP is not an offer to contract but seeks the submission of proposals from interested service providers that may form the basis for negotiation of a contract. Proposals must be prepared in compliance with all instructions, conditions and requirements included in this RFP. Respondents are responsible for examining all documentation, schedules and requirements relevant to this RFP, and failure to observe all terms and conditions may cause any submitted proposal to be invalid. Information submitted by respondents must be sufficiently detailed to verify that products and services offered meet or exceed required specifications. Unless otherwise stated, the requirements outlined in this RFP are mandatory, and the State of Alabama, through ALEA, reserves the right to use information available from any source other than respondents in the process of evaluating and selecting a suitable proposal. *ALEA reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of ALEA or the state.*

Respondents must submit a signed and notarized printed proposal with two (2) additional printed copies. In addition, a digital copy on a CD/DVD or USB flash drive that is properly labeled, and



containing ALL TECHNICAL AND PRICING DATA, must be submitted. No proposals will be accepted via email. Any proposals submitted, that do not adhere to the instructions for submission, may not be accepted. Whether mailed or hand delivered, proposals must be received in the ALEA office at 301 South Ripley Street, Building B, 5th Floor, Montgomery, Alabama 36130, **no later than 4:00 p.m., Central Daylight Time (CDT), October 17, 2016.** The proposal and documentation become the property of the State and will not be returned. It is the responsibility of each provider to ensure that the proposal is delivered at the proper time and place. It is the intent of ALEA to evaluate all proposals in a standardized and objective manner. For this reason, proposals that do not conform to the format specified in this RFP and which are not delivered as specified in this RFP may not be considered.

4.1 SUBMISSION OF PROPOSAL FORMAT AND LAYOUT

The following requirements should be followed in order for the respondent's RFP to be valid:

- Font Type: Times New Roman
- Font Size: 12pt
- Font Style: Regular (no italic font)
- Bullets and Numbering: Respondent may use as needed
- Line and Paragraph Spacing: Single or 1.0
- Margins: 1" on all sides
- Color: Black and White
- The printed documents for submission must be 3-hole punched and placed in a 3-ring binder large enough to hold the entire submission in one binder
- Cover Sheet (template at Exhibit 8.4; should be placed in the front of the binder):
 - Title of this RFP
 - Date Submitted
 - Name of Respondent
 - Single Point of Contact for the Respondent
 - Contact Information for the Respondent's Single Point of Contact
- The printed documents for submission should be tabbed as follows with the required information following the correlating tab as outlined in Section 7 of this RFP:
 - Part A: Respondent Information
 - Organizational Information and Leadership
 - Organizational Background
 - Statement on Employees
 - References and Related Experiences
 - State Business Relationships
 - Subcontractors
 - Vendor Disclosure Statement
 - Immigration Compliance Certificate
 - IRS Form W-9
 - Part B: General Requirements
 - Acknowledgements Statement
 - (Other related tabs may be added by the respondent in Part B as needed)



o Part C: Specific Requirements

- Specific Requirements Response
 - Asset Forfeiture Equitable Sharing Receipts
 - Asset Forfeiture Equitable Sharing Disbursements
 - Asset Forfeiture Equitable Sharing Bank Balances
-
- The respondent's submission may not contain any general images or photos unless they are necessary to the substance of the proposal.
 - The respondent's submission may include company logos.
 - The respondent's RFP Document Submission in full may not exceed 30 pages.
 - All pages in the submission, other than the cover sheet and required forms found in the Exhibit Section of this RFP, should be numbered.

4.2 LOCATION FOR SUBMISSION OF PROPOSAL

Proposals must be received at the location below by the date and time specified above.

TO: Alabama Law Enforcement Agency (ALEA)

ATTN: Robert Ratliff, Chief Financial Officer

ADDRESS: 301 South Ripley Street, Building B, 5th Floor, Montgomery, Alabama 36130
(via Courier or UPS/FedEx)

It is the respondent's sole responsibility to assure delivery at the designated location by the designated time. A RFP received after the deadline may not be accepted and may be disqualified from further consideration.

4.3 RFP WEBSITE

This RFP, and all notices, amendments, and public communication regarding this RFP will be posted at the following website:

<http://rfp.alabama.gov> or <http://rfp.alabama.gov/publicview.aspx>

Reasonable effort will be made to maintain reliable and efficient access to this site and its associated content. However, ALEA is not liable for any respondent's problems or errors (including but not limited to missed deadlines) that may arise due to temporary technical failures related to this website.

4.4 VENDOR LICENSURE

Before an agreement pursuant to this RFP can be contracted, the respondent must hold all applicable business and professional licenses required to transact business in the State of Alabama. ALEA may require respondents to submit proof of licensure accordingly.

4.5 COMPLIANCE WITH BEASON-HAMMON ACT (ACT 2012-491)



Act 2012-491 of the Alabama Legislature, codified as Code of Alabama 1975, §§ 31-13-1 et seq., regulates Illegal immigration in the State of Alabama. Effective April 1, 2012, all contracts with the State or a political subdivision thereof must comply with the provisions of that law whether or not the respondent has a presence in Alabama or the work will be performed outside of the State. Information regarding Act 2012-491 can be found at the following website: <http://immigration.alabama.gov/> Compliance with Act 2012-491 is due upon contract award and not part of the RFP process.

4.6 PROPOSAL COSTS

Respondents are solely responsible for the cost of preparing their proposals. Neither ALEA nor the State has any liability for any costs incurred by a prospective respondent, responding to this RFP for the preparation, production, demonstration, presentation or any other work performed prior to the issuance of a contract. If this RFP is cancelled at any time in the proposal process, respondents may not collect any costs incurred in preparation of their proposals.

4.7 INCIDENTAL COSTS

All costs associated with travel by the respondent for the project, as well as associated costs for lodging and per diem, must be inclusive as part of the respondent's Cost Proposal. The respondent is expected to cover their own travel and related costs for the project and will not be reimbursed by the State of Alabama.

4.8 RESPONSIVENESS

All proposals will be reviewed by ALEA to determine compliance with administrative requirements and instructions specified in this RFP. The respondent is specifically notified that failure to comply with any part of the RFP may result in rejection of the proposal as non-responsive. Any RFP that does not meet the requirements and provide all required documentation may be considered non-responsive. ALEA reserves the right to waive minor administrative irregularities at its sole discretion.

4.9 REVISIONS TO THE RFP

In the event it becomes necessary to revise any part of this RFP, addenda will be posted on the RFP website as listed in this RFP. If the changes are of major concern, ALEA may, at its sole discretion, withdraw this RFP and may/may not issue a replacement RFP. Failure to incorporate addenda in submitted responses may result in the Respondent's proposal being categorized Non-Responsive and may result in disqualification.

4.10 SOURCES FOR PROPOSAL REQUIREMENTS

Proposals must be based solely on this RFP. ALEA is not bound by oral explanations or instructions given during the procurement process, unless specifically included in this RFP, or subsequent addenda issued prior to the closing date.



4.11 PROPOSAL VALIDITY

Submitted proposals must be valid for at least thirty (30) days.

4.12 ORAL PRESENTATIONS

Oral presentations may be requested, if deemed necessary by ALEA. ALEA will not be liable for any costs associated with requested oral presentations.

5. EVALUATION OF PROPOSALS AND SELECTION OF AWARD WINNER

After receipt of the proposals, ALEA will evaluate all proposals to determine those respondents that are qualified, and then based solely on its own judgment, will further determine which has offered the best proposal to meet requirements.

5.1 CRITERIA FOR SELECTION

Proposals will be evaluated upon the contents of the proposal, information received from other sources, and public knowledge. Selection will be based on all factors listed below and others implicit within this RFP.

The presentation sequence of the criteria below does not indicate their precedence but the respondent must satisfy ALEA's requirements in Part A and Part B of this section listed below to be considered for the price competition within Part C.

- 1) Basic Qualifying Requirements – The respondent's proposal must meet all format requirements as presented in Section 4 of the RFP. The respondent must provide a response for all portions of the RFP.
- 2) Evaluation Criteria - All qualified respondents' proposals will be evaluated and the winning respondent will be selected based on the following criteria.
 - A. Respondent Qualifications
 - Respondent's past experience with professional services of this type and scope;
 - Ability and willingness of the respondent to perform the services required and meet the terms of the RFP;
 - Quality and relevancy of the services being proposed.
 - B. Support for Performance
 - The specific information found in the respondent's proposal will be evaluated to determine the overall support for the respondent's ability to perform the items proposed, including an evaluation of any and all documentation provided by the respondent to meet the requirements listed in Section 7.
 - C. Cost
 - ALEA awards contracts based on the best value to the state from those qualified respondents that in ALEA's opinion meets or exceeds the criteria specified for selection as defined by the Alabama Competitive Bid Laws.



Upon review and evaluation of all proposals, ALEA may select the respondent determined to best meet the needs of the state. Upon selection of a respondent, the state may initiate negotiations for specific contractual terms and conditions.

5.2 RESERVATIONS

ALEA reserves the right to award or reject any of the proposals, or any parts thereof, received in response to this RFP, if it is considered to be in the best interest of ALEA, and ALEA reserve the right to solicit additional proposals if so desired.

5.3 RESCISSION OF AWARD

If an award is made by ALEA, and prior to execution of a contract, subsequent information indicates that the award was not in the best interests of the state, or that all parties are unable to come to agreement on terms, the awarding party reserves the right to rescind the award and either award the contract to another respondent or reject all proposals.

5.4 FALSE OR MISLEADING STATEMENTS

Proposals containing false or misleading statements, or which provide references not supporting attributes or conditions claimed by a respondent may be rejected solely at the awarding parties' discretion.

5.5 COMPLETENESS OF PROPOSAL

A proposal may be rejected if it is conditional, incomplete, contains any alterations of form or other irregularities, or is judged to constitute a deviation from the RFP requirements.

5.6 CONTRACT AWARD TERMS

The State plans to execute a public-private partnership contract as a result of this RFP. The award shall be based upon criteria and standards identified in this RFP. The State also reserves the right, at its discretion, to award a Contract by item, group of items, or total Proposal.

The respondent(s) selected to provide the services specified in this RFP may enter into a written contractual agreement with the state of Alabama. The terms and conditions of such an agreement will be subject to review and approval by ALEA, the Office of the Governor of Alabama, the Alabama Department of Finance and the Contract Review Permanent Legislative Oversight Committee. The state reserves the right alter the contract terms and/or conditions until the contract is signed by all parties.

6. Contract Laws



In order for the State of Alabama to execute a Request for Proposal, receive information, and award a contract, the following sections from the Code of Alabama 1975 - to include but not limit to these sections - are as follows¹:

Code of Alabama 1975, § 41-16-20. When required

(a) With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all contracts of whatever nature for labor, services, work, or for the purchase or lease of materials, equipment, supplies, other personal property or other nonprofessional services, involving fifteen thousand dollars (\$15,000) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.

(b) A "preferred vendor" shall be a person, firm, or corporation which is granted preference priority according to the following:

(1) PRIORITY #1. Produces or manufactures the product within the state.

(2) PRIORITY #2. Has an assembly plant or distribution facility for the product within the state.

(3) PRIORITY #3. Is organized for business under the applicable laws of the state as a corporation, partnership, or professional association and has maintained at least one retail outlet or service center for the product or service within the state for not less than one year prior to the deadline date for the competitive bid.

(c) In the event a bid is received for the product or service from a person, firm, or corporation deemed to be a responsible bidder and a preferred vendor where any state higher education institution, department, board, bureau, commission, committee, institution, corporation, authority, or office is the awarding authority and the bid is no more than five percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the preferred vendor.

Code of Alabama 1975, § 41-16-24. Advertisement for bids; Opening of bids; Splitting of contracts

(a) The Purchasing Agent shall advertise for sealed bids on all purchases in excess of the competitive bid limit as established in Section 41-16-20 by posting notice thereof on a bulletin board maintained outside the office door or by publication of notice thereof, one time, in a newspaper published in Montgomery County, Alabama, or in any other manner, for such lengths of time as the Purchasing Agent may determine. The Purchasing Agent shall also solicit sealed bids or bids to be submitted by reverse auction procedure by notifying all Alabama persons,

¹ State Bid Laws can be found at: http://purchasing.alabama.gov/pages/code_alabama.aspx; and at: http://purchasing.alabama.gov/pages/rules_regs.aspx; and at: http://alisondb.legislature.state.al.us/alison_lcc/CoA.aspx



firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items set forth in the request and the other persons, firms, or corporations the Purchasing Agent deems necessary to insure competition. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled by the Purchasing Agent.

(b) All bids, except as provided in subsection (d), shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained in accordance with a retention period established by the State Records Commission and shall be open to public inspection.

(c) If the purchase or contract will involve an amount of the competitive bid limit as established in Section 41-16-20 or less, the Purchasing Agent may make the purchases or contracts either upon the basis of sealed bids, reverse auction procedure, or in the open market.

(d) For purposes of this article, a reverse auction procedure includes either of the following:

(1) A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple anonymous suppliers submit bids to provide the designated goods or services.

(2) A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple anonymous suppliers submit bids to provide the designated goods or services.

(e) No purchase or contract involving an amount in excess of the competitive bid limit as established in Section 41-16-20 shall be divided into parts involving amounts of the competitive bid limit as established in Section 41-16-20 or less for the purpose of avoiding the requirements of this article. All such partial contracts involving the competitive bid limit as established in Section 41-16-20 or less shall be void.

Code of Alabama 1975, § 41-16-25. Price fixing agreements or collusion

Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding or otherwise shall render the bids of such bidders void. Each bidder shall accompany his bid with a sworn statement that he has not been a party to such an agreement.

Code of Alabama 1975, § 41-16-27. Award of contract; Record of bids; Preference to Alabama commodities, firms, etc.

(a) When purchases are required to be made through competitive bidding, award shall, except as provided in subsection (f), be made to the lowest responsible bidder taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges and the dates of delivery provided, that the awarding authority may at any time within 30 days after the bids are



opened negotiate and award the contract to anyone, provided he secures a price at least five percent under the low acceptable bid. The award of such a negotiated contract shall be subject to approval by the Director of Finance and the Governor, except in cases where the awarding authority is a two-year or four-year college or university governed by a board. The awarding authority or requisitioning agency shall have the right to reject any bid if the price is deemed excessive or quality of product inferior. Awards are final only after approval of the Purchasing Agent.

(b) The awarding authority may award multiple purchase contracts resulting from a single invitation-to-bid where the specifications of the items of personal property intended to be purchased by a requisitioning agency or agencies are determined, in whole or in part, by technical compatibility and operational requirements. In order to make multiple awards under this provision, the awarding authority must include in the invitation-to-bid a notice that multiple awards may be made and the specific technical compatibility or operational requirements necessitating multiple awards. Multiple awards of purchase contracts with unique technical compatibility or operational specifications shall be made to the lowest responsible bidder complying with the unique technical compatibility or operational specifications. The requisitioning agency shall provide the awarding authority with the information necessary for it to determine the necessity for the award of multiple purchase contracts under this provision.

This subsection (b) shall not apply to contracts for the purchase of personal property for which a service or service contract, whether subject to competitive bidding under this article or not, is necessary to utilize the personal property throughout the period of utilization of the personal property.

(c) Each bid, with the name of the bidder, shall be entered on a record. Each record, with the successful bid indicated thereon and with the reasons for the award if not awarded to the lowest bidder shall, after award of the order or contract, be open to public inspection.

(d) The Purchasing Agent in the purchase of or contract for personal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms, or corporations.

(e)(1) Contracts for the purchase of personal property or contractual services other than personal services shall be let by competitive bid for periods not greater than five years and current contracts existing on February 28, 2006, may be extended or renewed for an additional two years with a 90-day notice of such extension or renewal given to the Legislative Council, however, any contract that generates funds or will reduce annual costs by awarding the contract for a longer term than a period of three years which is let by or on behalf of a state two-year or four-year college or university may be let for periods not greater than 10 years. Any contract awarded pursuant to this section for terms of less than 10 years may be extended for a period not to exceed 10 years from the initial awarding of the contract provided that the terms of the contract shall not be altered or renegotiated during the period for which the contract is extended.

(2) For purchases of personal property made on or after January 1, 2010, in instances in which the awarding authority determines that the total cost of ownership over the expected life of the



item or items, including acquisition costs plus sustaining costs, and including specifically life cycle costs, can be reasonably ascertained from industry recognized and accepted sources, the lowest responsible bid may be determined to be the bid offering the lowest life cycle costs and otherwise meeting all of the conditions and specifications contained in the invitation to bid. To utilize this provision to determine the lowest responsible bidder, the awarding authority must include a notice in the invitation to bid that the lowest responsible bid may be determined by using life cycle costs and identify the industry recognized and accepted sources that will be applicable to such an evaluation.

(3) Industry recognized and accepted sources may be provided by rules adopted pursuant to the Alabama Administrative Procedure Act by the Green Fleets Review Committee if the review committee is established and enacted at the 2009 Regular Session. If the Green Fleets Review Committee is not enacted at the 2009 Regular Session, the Permanent Joint Legislative Committee on Energy Policy may adopt rules providing industry recognized and accepted sources, pursuant to the Alabama Administrative Procedure Act.

(f) Contracts for the purchase of services for receiving, processing, and paying claims for services rendered recipients of the Alabama Medicaid program authorized under Section 22-6-7 which are required to be competitively bid may be awarded to the bidder whose proposal is most advantageous to the state, taking into consideration cost factors, program suitability factors (technical factors) including understanding of program requirements, management plan, excellence of program design, key personnel, corporate or company resources and designated location, and other factors including financial condition and capability of the bidder, corporate experience and past performance and priority of the business to insure the contract awarded is the best for the purposes required. Each of these criteria shall be given relative weight value as designated in the invitation to bid, with price retaining the most significant weight. Responsiveness to the bid shall be scored for each designated criteria. If, for reasons cited above, the bid selected is not from the lowest bidding contractor, the Alabama Medicaid Agency shall present its reasons for not recommending award to the low bidder to the Medicaid Interim Committee. The committee shall evaluate the findings of the Alabama Medicaid Agency and must, by resolution, approve the action of the awarding authority before final awarding of any such contract. The committee shall also hear any valid appeals against the recommendation of the Alabama Medicaid Agency from the low bid contractor(s) whose bid was not selected.

(g) Notwithstanding the requirements under Sections 41-16-20, 41-16-21, and this section, contractual services and purchases of personal property regarding the athletic department, food services, and transit services negotiated on behalf of two-year and four-year colleges and universities may be awarded without competitive bidding provided that no state revenues, appropriations, or other state funds are expended or committed and when it is deemed by the respective board that financial benefits will accrue to the institution, except that in the cases where an Alabama business entity as defined by this section is available to supply the product or service they will have preference unless the product or service supplied by a foreign corporation is substantially different or superior to the product or service supplied by the Alabama business entity. However, the terms and conditions of any of the services or purchases which are contracted through negotiation without being competitively bid and the name and address of the recipient of such a contract shall be advertised in a newspaper of general circulation in the



municipality in which the college or university is located once a week for two consecutive weeks commencing no later than 10 days after the date of the contract. For the purposes of this section, the term Alabama business entity shall mean any sole proprietorship, partnership, or corporation organized in the State of Alabama.

(h)(1) For purchases of motor vehicles by the state made on or after January 1, 2010, the lowest responsible bid may be determined to be a bid offering the lowest life cycle costs, if it is determined that the total cost of ownership over the expected life of a motor vehicle, including acquisition costs plus maintenance costs, including specifically life cycle costs, can be reasonably ascertained from industry recognized and accepted sources. The lowest responsible bid shall otherwise meet all of the conditions and specifications contained in the invitation to bid. To utilize this provision to determine the lowest responsible bidder, the state must include a notice in the invitation to bid that the lowest responsible bid may be determined by using life cycle costs and identify the industry recognized and accepted sources that will be applicable to such an evaluation.

(2) Industry recognized and accepted sources may be provided by rules adopted pursuant to the Alabama Administrative Procedure Act by the Green Fleets Review Committee if the review committee is established and enacted at the 2009 Regular Session. If the Green Fleets Review Committee is not enacted at the 2009 Regular Session, the Permanent Joint Legislative Committee on Energy Policy may adopt rules providing industry recognized and accepted sources pursuant to the Alabama Administrative Procedure Act.

(i) When a single invitation-to-bid specifies a set of deliverables that would be capable of division into separate, independent contracts, the awarding authority, at its discretion, may award a secondary contract for any subset of such deliverables, not to exceed 20 percent of the original contract value, to any Alabama business certified under the Federal HUBZone program whose properly submitted responsible bid does not exceed five percent of the lowest responsible bid. In order to make a secondary award under this provision, the awarding authority shall include in the invitation-to-bid a notice that a secondary award may be made.

Code of Alabama 1975, § 41-16-28. Bond for faithful performance

Bond in a responsible sum for faithful performance of the contract, with adequate surety, shall be required in an amount specified in the advertisement for bids.

Code of Alabama 1975, § 41-16-29. Assignment of contracts

No contract awarded to the lowest responsible bidder shall be assignable by the successful bidder without written consent of the awarding authority and requisitioning agency, and in no event shall a contract be assigned to an unsuccessful bidder whose bid was rejected because he was not a responsible bidder.

Code of Alabama 1975, § 41-16-30. Criminal offenses



Neither the Purchasing Agent nor any assistant or employee of his shall be financially interested or have any personal beneficial interest, either directly or indirectly, in the purchase of or contract for any personal property or contractual service, nor in any firm, partnership, association or corporation furnishing any such personal property or contractual services to the state government or to any of its departments, agencies or institutions. Neither the Purchasing Agent nor any assistant or employee of his shall accept or receive, directly or indirectly, from any person, firm, association or corporation to whom any contract may be awarded, by rebate, gifts or otherwise, any money or thing of value whatsoever or any promise, obligation or contract for future reward or compensation, nor shall any person willfully make any purchase or award any contract in violation of the provisions of this article.

Any violation of this section shall be deemed a misdemeanor, and any person who violates this section shall, upon conviction, be imprisoned for not more than 12 months or fined not more than \$500.00 or both. Upon conviction thereof, any such Purchasing Agent, assistant or employee of his or any person who willfully makes any purchase or awards any contract in violation of the provisions of this article shall be removed from office.

Code of Alabama 1975, § 41-16-31. Injunctions

Any taxpayer of the area within the jurisdiction of the awarding authority and any bona fide unsuccessful bidder on a particular contract shall be empowered to bring a civil action in the appropriate court to enjoin execution of any contract entered into in violation of the provisions of this article.

Code of Alabama 1975, § 41-16-32. Cumulative nature of provisions; Conflict of laws

This article shall be cumulative in its nature.

All conflicting provisions of law are hereby expressly repealed; however, this article shall in no manner repeal any of the provisions of Chapter 36 of Title 16 of this code or Chapters 2 and 5 of Title 39 of this code or Article 5 of Chapter 4 of this title.

7. PROPOSAL REQUIREMENTS

7.1 RESPONDENT INFORMATION

7.1.1 Respondent's Organizational Information and Leadership

The respondent must specify the name, title, physical office and mailing address, resume and business telephone number of those individuals responsible for the performance under the anticipated contract resulting from this RFP, including those individuals with primary day-to-day responsibility for the services contemplated herein, and specifying their relevant industry experience and location. Please identify a single point of contact for this RFP on the Cover Sheet as shown in Exhibit 8.4.



7.1.2 Respondent's Organizational Background

Provide a full and complete background description of the organization, including:

- Full company or corporate name, physical address of the headquarters office and the office to serve ALEA;
- How the business is organized (proprietorship, partnership, corporation, LLC), parent or subsidiary corporations;
- The year in which the respondent was first organized to do business;
- Documentation that the respondent is qualified to transact business within the State of Alabama in accordance with the Code of Alabama 1975 §§ Section 10-28-15.01, et seq., and possesses a Certificate of Authority issued by the Secretary of State at the time a professional services contract is executed. For the entire term that the contract is in effect the selected provider must continuously be in good standing with the State of Alabama and with any political subdivisions thereof which have jurisdiction over the provider's operations;
- The organization's experience in providing services comparable to the type presented in this RFP;
- Other types of services the respondent provides.

7.1.3 Respondent's Statement on Employees

The respondent must specify the anticipated number of full or part time employees and the role of each in performing the services required in this RFP.

7.1.4 Respondent's References and Related Experiences

Provide a history of the provider's experience in providing services identified as required in this RFP, including a list of at least three (3) references of similar organizations, with complete point of contact information, currently using the professional services which are the same or substantially similar to those specified in this RFP. ALEA reserves the right to contact each organization listed in the proposal.

7.1.5 Respondent's State Business and Relationships

The respondent must state clearly any current or past relationships with the State of Alabama and provide the name and address of the person to contact to verify the relationship. The proposal must include a completed Disclosure Statement using the form described in Exhibit 8.1 of this RFP, signed by a duly authorized officer of the provider organization.

7.1.6 Respondent's Subcontractors

Any subcontractor employed by the respondent in the course of this project must be clearly documented with organizational information.



7.2 GENERAL REQUIREMENTS OF THE RESPONDENT

7.2.1 Acknowledgement Statement

The respondent must submit a statement, signed and dated, with the following:

The representatives or designees for (name of respondent) have read, understand, acknowledge, accept and agree to all parts, terms, and conditions of this RFP, the Alabama PSB-RAN. [*signed name, printed name of signee, position with the respondent, and date*]

7.2.2 General Statements

Respondents to this RFP must have clear and convincing expertise, experience, and qualifications as principals in general accounting principles, working with federal funds, and working with state governments. The Respondent must explicitly and fully state their expertise, experience, and qualifications in these areas.

7.3 SPECIFIC REQUIREMENTS OF THE RESPONDENT

The Alabama Law Enforcement Agency (ALEA) seeks to hire a third-party independent auditor to perform the reconciliation of the Department of Justice (DOJ) equitable sharing account for The Department of Public Safety and Alcoholic Beverage Control Board which were consolidated into ALEA effective January 1, 2015. The overall purpose of the review is to provide a reconciliation of the equitable sharing account balances for each fiscal year that should have been maintained separate and apart from any other funding source and provide a reasonable update to the Agency's equitable sharing revenues and expenditures reported to AFMLS in prior years and to support ALEA's new starting Equitable Sharing Agreement Certification Report (ESAC) balance. Additionally, the current year's DOJ equitable sharing bank statement balance must be confirmed and reconciled to the DOJ general ledger as necessary utilizing a formal bank confirmation or a verified bank reconciliation.

The purpose of this review is to provide a reconciliation of ALEA's equitable sharing account balances from fiscal year 2011 to present, and to update the equitable sharing revenues, expenditures, and interest reported by ALEA (and its component agencies) to AFMLS in prior years. This includes a review of both Alabama Department of Public Safety (ADPS) and the Alabama ABC Board – Law Enforcement Division (AABC) for fiscal years 2011 to present. A percentage of revenue is not an appropriate reconciliation method since expenditure transactions must be assigned to a specific funding source.

Upon completion of the review, please provide the following items to Department of Justice Asset Forfeiture Money Laundering Section (DOJ AFMLS) for all fiscal years reviewed:

- Detailed support for the reconciliation of DOJ equitable sharing revenues and expenditures for the fiscal years reviewed, and amended ESAC based on that reconciliation;
- Bank verification of the current DOJ equitable sharing balance as well as the current fiscal year general ledger reflecting the DOJ equitable sharing fund balance; and



- Documentation supporting that all DOJ equitable sharing revenues, expenditures, and interest are no longer commingled and are tracked together in a separate account or accounting code.

The Alabama Law Enforcement Agency has established Agreed-Upon Procedures (AUPs) between the Alabama Department of Public Safety (ADPS), Alabama Alcoholic Beverage Control Board - Law Enforcement (AABCBLE) and the Department of Justice Asset Forfeiture Money Laundering Section (DOJ AFMLS). The Respondent must describe how they can complete each of the following tasks in detail. The AUPs are listed below and are based on the financial information in fiscal years ended:

- September 30, 2011
- September 30, 2012
- September 30, 2013
- September 30, 2014
- September 30, 2015
- September 30, 2016

7.3.1 Asset Forfeiture Equitable Sharing Receipts

1. We will obtain Department of Justice E-Share reports and Treasury Distribution reports for each fiscal year and perform the following:
 - a. Reconcile equitable sharing funds distributed per reports to receipts posted in the general ledger under the designated funding/department code for the equitable sharing funds as reflected in the agency's chart of accounts.
 - b. Commingling of DOJ and Treasury Funds is strictly prohibited and will be reported as an exception with true-up adjustments required if commingling identified.
 - c. Reconcile equitable sharing funds received per the general ledger to amounts reported on the ESAC Annual Certification Reports.
2. We will reconcile interest income per ESAC Annual Certification Reports to ADPS Equitable Sharing Funds interest bearing account bank statement.

7.3.2 Asset Forfeiture Equitable Sharing Disbursements

1. We will trace disbursements posted in the detail general ledger under the designated funding/department code for the equitable sharing funds as reflected in the chart of accounts to the ESAC Annual Certification Reports.
2. We will inspect 10 disbursements per month for each year to determine if each is tied to one specific revenue source - one for one match and each is tied to a true expenditure transaction.

7.3.3 Asset Forfeiture Equitable Sharing Bank Balances

1. We will confirm cash on deposit (interest bearing account) at Sterling Bank and will agree the confirmed balance to the amount shown on the reconciliation maintained by ADPS for



each fiscal year.

2. We will confirm the Equitable Sharing Funds cash balances with the State of Alabama Comptroller's office and reconcile to the designated fund/department code in the general ledger.
3. We will reconcile the ending equitable sharing funds balance reported on the ESAC Annual Certification Reports to the cash balances reported using the designated fund/department/revenue code in the general ledger.
4. We will re-perform Asset Forfeiture Equitable Sharing Bank Balances reconciliations.

7.4 RESPONSE REQUIREMENTS

Respondents must indicate whether or not they can complete the task as written in the entirety of Section 7. The response to each separate task should indicate if the respondent anticipates any issues in completing tasks as described. The respondent should describe how each task will be completed.

7.5 REQUIRED VENDOR DISCLOSURE STATEMENT INFORMATION AND INSTRUCTIONS

Section 41-16-82, Code of Alabama 1975 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000. The disclosure statement is not required for contracts for gas, water, and electric services where no competition exists, or where rates are fixed by law or ordinance. In circumstances where a contract is awarded by competitive bid, the disclosure statement shall be required only from the person receiving the contract and shall be submitted within ten (10) days of the award.

A copy of the disclosure statement shall be filed with the awarding entity and the Department of Examiners of Public Accounts, and if it pertains to a state contract, a copy shall be submitted to the Contract Review Permanent Legislative Oversight Committee. The address for the Department of Examiners of Public Accounts is as follows: 50N. Ripley Street, Room 3201,

Montgomery, Alabama 36130-2101. If the disclosure statement is filed with a contract, the awarding entity should include a copy with the contract when it is presented to the Contract Review Permanent Legislative Oversight Committee.

Pursuant to Section 41-16-84 (b), Code of Alabama 1975 the State of Alabama shall not enter into any contract or appropriate any public funds with any person who refuses to provide information as required.

Pursuant to Section 41-16-86, Code of Alabama 1975, any person who knowingly provides misleading or incorrect information on the disclosure statement shall be subject to a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00. Also, the contract or grant shall be voidable by the awarding entity.



Definitions as Provided in Section 41-16-81, Code of Alabama 1975

1. Family Member of a Public Employee – The spouse or a dependent of the public employee.
2. Family Member of a Public Official – The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, or a sibling and his or her spouse, of the public official.
3. Family Relationship – A person has a family relationship with a public official or public employee if the person is a family member of the public official or public employee.
4. Person – An individual, firm, partnership, association, joint venture, cooperative, or corporation, or any other group or combination acting in concert.
5. Public Official and Public Employee - These terms shall have the same meanings ascribed to them in Sections 36-25-1(23) and 36-25-1(24), Code of Alabama 1975, (see below) except for the purposes of the disclosure requirements of this article, the terms shall only include persons in a position to influence the awarding of a grant or contract who are affiliated with the awarding entity. Notwithstanding the foregoing, these terms shall also include the Governor, Lieutenant Governor, members of the cabinet of the Governor, and members of the Legislature. (Note: The definitions for public official and public employee are now denoted as Sections 36-25-1 (25) and 36-25-1 (26), Code of Alabama 1975. However, Section 41-16-86 (5), Code of Alabama 1975 has not been codified to reflect such updates.)

Section 36-25-1(25), Code of Alabama 1975, defines a public employee as any person employed at the state, county or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county, or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income.

Section 36-25-1(26), Code of Alabama 1975, defines a public official as any person elected to public office, whether or not that person has taken office, by the vote of the people at state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice-chairs or the equivalent offices of each state political party as defined in Section 17-13-40, Code of Alabama 1975.

Complete all lines as indicated. If an item does not apply, denote N/A (not applicable). If you



cannot include required information in the space provided, attach additional sheets as necessary.

THE DISCLOSURE STATEMENT MUST BE SIGNED, DATED, AND NOTARIZED PRIOR TO SUBMISSION.

8. EXHIBITS

- 8.1 State of Alabama Vendor Disclosure Statement**
- 8.2 Immigration Compliance Certificate**
- 8.3 IRS Form W-9**
- 8.4 Cover Sheet Example**



8.1 State of Alabama Vendor Disclosure Statement

Information Available at:

<http://ago.state.al.us/Page-Vendor-Disclosure-Statement-Information-and-Instructions>



State of Alabama Disclosure Statement

Required by Article 3B of Title 41, Code of Alabama 1975

ENTITY COMPLETING FORM

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

STATE AGENCY/DEPARTMENT THAT WILL RECEIVE GOODS, SERVICES, OR IS RESPONSIBLE FOR GRANT AWARD

ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

This form is provided with:

- Contract
 Proposal
 Request for Proposal
 Invitation to Bid
 Grant Proposal

Have you or any of your partners, divisions, or any related business units previously performed work or provided goods to any State Agency/Department in the current or last fiscal year?

- Yes
 No

If yes, identify below the State Agency/Department that received the goods or services, the type(s) of goods or services previously provided, and the amount received for the provision of such goods or services.

STATE AGENCY/DEPARTMENT	TYPE OF GOODS/SERVICES	AMOUNT RECEIVED

Have you or any of your partners, divisions, or any related business units previously applied and received any grants from any State Agency/Department in the current or last fiscal year?

- Yes
 No

If yes, identify the State Agency/Department that awarded the grant, the date such grant was awarded, and the amount of the grant.

STATE AGENCY/DEPARTMENT	DATE GRANT AWARDED	AMOUNT OF GRANT

1. List below the name(s) and address(es) of all public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF PUBLIC OFFICIAL/EMPLOYEE	ADDRESS	STATE DEPARTMENT/AGENCY

2. List below the name(s) and address(es) of all family members of public officials/public employees with whom you, members of your immediate family, or any of your employees have a family relationship and who may directly personally benefit financially from the proposed transaction. Identify the public officials/public employees and State Department/Agency for which the public officials/public employees work. (Attach additional sheets if necessary.)

NAME OF FAMILY MEMBER	ADDRESS	NAME OF PUBLIC OFFICIAL/ PUBLIC EMPLOYEE	STATE DEPARTMENT/ AGENCY WHERE EMPLOYED
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If you identified individuals in items one and/or two above, describe in detail below the direct financial benefit to be gained by the public officials, public employees, and/or their family members as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

Describe in detail below any indirect financial benefits to be gained by any public official, public employee, and/or family members of the public official or public employee as the result of the contract, proposal, request for proposal, invitation to bid, or grant proposal. (Attach additional sheets if necessary.)

List below the name(s) and address(es) of all paid consultants and/or lobbyists utilized to obtain the contract, proposal, request for proposal, invitation to bid, or grant proposal:

NAME OF PAID CONSULTANT/LOBBYIST	ADDRESS
----------------------------------	---------

By signing below, I certify under oath and penalty of perjury that all statements on or attached to this form are true and correct to the best of my knowledge. I further understand that a civil penalty of ten percent (10%) of the amount of the transaction, not to exceed \$10,000.00, is applied for knowingly providing incorrect or misleading information.

Signature Date

Notary's Signature Date Date Notary Expires

Article 3B of Title 41, Code of Alabama 1975 requires the disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000.



8.2 Immigration Compliance Certificate

State of _____)
County of _____)

CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by ACT 2012-491)

DATE: _____

RE Contract/Grant/Incentive (describe by number or subject):

_____ by and between
_____ (Contractor/Grantee) and
_____ (State Agency, Department or Public Entity)

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of _____ with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by ACT 2012-491) which is described herein as "the Act."

2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit.

a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, and foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.

b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

____ (a) The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.

____ (b) The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, the Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama;

4. The Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this _____ day of _____ 20____.

Name of Contractor/Grantee/Recipient

By: _____

Its _____

The above Certification was signed in my presence by the person whose name appears above, on this _____ day of _____ 20____.

WITNESS: _____

Printed Name of Witness



8.3 IRS Form W-9

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 Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

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

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

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

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

If you are a nonresident alien or a foreign entity, 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 Part II instructions on page 3 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code* on page 3 and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships* above.

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* on page 3 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, list first, and then circle, the name of the person or entity whose number you entered in Part I of 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 in line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box in line 3.

Limited Liability Company (LLC). If the name on line 1 is an LLC treated as a partnership for U.S. federal tax purposes, check the "Limited Liability Company" box and enter "P" in the space provided. If the LLC has filed Form 8832 or 2553 to be taxed as a corporation, check the "Limited Liability Company" box and in the space provided enter "C" for C corporation or "S" for S corporation. If it is a single-member LLC that is a disregarded entity, do not check the "Limited Liability Company" box; instead check the first box in line 3 "Individual/sole proprietor or single-member LLC."

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space in 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 ¹	Generally, exempt payees 1 through 5 ²
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² 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.

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. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited Liability Company (LLC)* on this page), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at 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 and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting IRS.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, 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 items 1, 4, or 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on 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), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law	The grantor-trustee ¹ The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
6. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor ⁴
For this type of account:	Give name and EIN of:
7. Disregarded entity not owned by an individual	The owner
8. A valid trust, estate, or pension trust	Legal entity ⁴
9. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
10. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
11. Partnership or multi-member LLC	The partnership
12. A broker or registered nominee	The broker or nominee
13. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
14. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

¹ 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.

² Circle the minor's name and furnish the minor's SSN.

³ 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.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 2.

*Note. Grantor also must provide a Form W-9 to trustee of trust.

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

Secure Your Tax Records from Identity Theft

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

To reduce your risk:

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

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

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

For more information, see Publication 4535, Identity Theft Prevention and Victim Assistance.

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

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

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

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. 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 or contact them at www.ftc.gov/idtheft or 1-877-IDTHEFT (1-877-438-4338).

Visit IRS.gov to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. 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.



8.4 RFP Cover Sheet Example

RFP NAME:

*Insert [RFP: ACCOUNTANT FOR ALABAMA LAW ENFORCEMENT AGENCY'S
RECONCILIATION OF DEPARTMENT OF JUSTICE
EQUITABLE SHARING FUNDS]*

DATE SUBMITTED:

Insert [Month Day, Year]

NAME OF RESPONDENT:

Insert [Name of Respondent]

SINGLE POINT OF CONTACT (SPOC) FOR RESPONDENT:

Insert the following:

[Name of Individual who will serve as the SPOC]

[Title of Individual]

[Physical Address for Respondent]

[Mailing Address for Respondent]

[Business Telephone Number for Respondent]

[Alternate Telephone Number for Respondent]