

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

**DATE** May 7, 2024

**NUMBER** 267-2024

**TITLE:** A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO MODIFY THE CONTRACT FOR THE PROJECT KNOWN AS THE NJDOT 2020 ROADWAY IMPROVEMENTS WITH CIFELLI & SON GENERAL CONSTRUCTION, INC., 4 COPPOLA STREET, NUTLEY, NEW JERSEY 07110, FOR ADDITIONAL CONCRETE SIDEWALK CONSTRUCTION, MILLING, PAVING AND STRIPING FOR AN ADDITIONAL \$43,772.50 MAKING THE NEW AMOUNT NOT TO EXCEED \$563,654.89.

**WHEREAS**, the City Council did authorize the Mayor and the Municipal Clerk to execute an agreement with Cifelli & Son General Construction, 4 Coppola Street, Nutley, New Jersey 07110 in the amount of Five Hundred Ninety-Five Thousand, Five Hundred Seventy-Six Dollars and Ten Cents, (\$519,882.39) as per Resolution #180-2022 for the NJDOT 2020 Roadway Improvements; and

**WHEREAS**, Change Order No. 1 is to increase to add additional concrete sidewalk construction, milling, paving and striping on North Day Street (between Park Ave-Washington St); Hillyer Street (between Ward St-East Orange Border) and Hickory Street (between Central Ave-Reynolds St); and

**WHEREAS**, the request to modify the contract was found to be justifiable by the project consultant Pennoni Associates and the Director of Public Works/Engineering; and

**WHEREAS**, Cifelli & Son General Construction, did submit Change Order No. 1 in the amount of \$43,772.50 (+8.4%); and

**WHEREAS**, Change Order No. 1 are required to be approved for the construction of the NJDOT 2020 Roadway Improvements, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds certifying that funds are available for this change order in Account No. G-02-00-701-202-000 (\$43,772.50).

**NOW, THEREFORE, BE IT RESOLVED** by the Municipal Council of the City of Orange Township that Change Order No. 1 are hereby approved thereby increasing the amount of the Agreement by Forty Three Thousand, Seven Hundred Seventy-Two Dollars and Fifty Cents (\$43,772.50).

**BE IT FURTHER RESOLVED** that the Mayor and the Municipal Clerk are hereby authorized to execute and deliver all such documents and agreements required to authorize and approve such change order.



AM 172024

**Adopted: May 7, 2024**

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Joyce L. Lanier  
City Clerk

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Tency A. Eason  
Council President

CITY OF ORANGE  
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS  
GRANT TRUST ACCOUNT

I, Nile Clements, Chief Financial Officer for the City of Orange, do hereby certify to the best of my knowledge and belief that there are now sufficient funds in the following Grant account(s) to Contract with:

Vendor Name: Cifelli & Son General Contractors  
Address#1: 81 Franklin Ave.

City: Nutley  
State: NJ  
Zip Code: 07110

Purpose: Additional concrete sidewalk construction,  
milling, paving and striping

Fund: Current Fund - Grants  
Account Name NJDOT Various Streets Grant 2020  
Account Numbers(s): G-02-00-701-202-000  
Balance Before 159,308.61  
Requested 43,772.50  
Balance After 115,536.11

Vendor ID: CIFEL020

Purchase Order #: 21-01123

Additional Resolution Amount: \$43,772.50

New Amount not to exceed: \$563,654.89

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Division Head

Date

*Nile Clements*

4/22/2024

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Chief Financial Officer

Date

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT  
CHANGE ORDER - STATE AID PROJECTS**

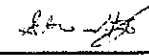
File # \_\_\_\_\_  
Date 04/17/24

Project NJDOT 2020 Various Streets Paving  
Municipality CITY OF ORANGE  
County ESSEX COUNTY  
Contractor Calk & Son General Construction, Inc

In accordance with the project Supplementary Specifications, the following are changes to the contract.  
Location and Reason for Change (Attach additional sheets if required)

Item No.	Description	Unit	Quantity (+/-)	Unit Price	Amount
<b>Reductions</b>					
3	EXCAVATION, UNCLASSIFIED	CY	590.00	\$ 0.01	\$ (5.90)
5	DENSE GRADED AGGREGATE BASE COURSE, 6" THICK, IF & WHERE DIRECTED	SY	1,326.00	\$ 0.01	\$ (13.26)
6	HOT MIX ASPHALT 9.5M64 SURFACE COURSE	TON	192.60	\$ 83.00	\$ (15,985.80)
7	HOT MIX ASPHALT 19M64 BASE COURSE, 4" THICK, IF & WHERE DIRECTED	TON	292.00	\$ 1.00	\$ (292.00)
9	HOT MIX ASPHALT PAVEMENT REPAIR	SY	69.00	\$ 0.01	\$ (0.69)
10	RESET MANHOLE CASTING, SANITARY SEWER, USING EXISTING CASTING	UNIT	34.00	\$ 1.00	\$ (34.00)
11	RESET MANHOLE CASTING, SANITARY SEWER, USING NEW CASTING	UNIT	4.00	\$ 500.00	\$ (2,000.00)
12	RESET WATER VALVE BOX	UNIT	54.00	\$ 1.00	\$ (54.00)
13	RESET GAS VALVE BOX	UNIT	23.00	\$ 1.00	\$ (23.00)
14	RESET EXISTING CASTING	UNIT	10.00	\$ 950.00	\$ (9,500.00)
16	3" HIGH DENSITY POLYETHYLENE PIPE	UNITS	8.00	\$ 50.00	\$ (400.00)
17	GUIDE SIGN, TYPE-GA, BREAKAWAY SUPPORTS	UNIT	21.00	\$ 100.00	\$ (2,100.00)
18	CONCRETE SIDEWALK, 4" THICK	SY	175.70	\$ 69.00	\$ (12,123.30)
19	9"x18" CONCRETE VERTICAL CURB	LF	355.00	\$ 27.50	\$ (9,762.50)
20	DETECTABLE WARNING SURFACE	UNIT	2.00	\$ 150.00	\$ (300.00)
<b>Total Reductions</b>					<b>\$ (52,594.45)</b>
<b>Extras</b>					
4	HMA MILLING, 1" OR LESS	SY	79.51	\$ 4.25	\$ 337.92
15	CONCRETE DRIVEWAY, REINFORCED 6" THICK	SY	128.00	\$ 72.00	\$ 9,216.00
21	TRAFFIC STRIPES, LONG-LIFE THERMOPLASTIC, 4" YELLOW	LF	320.00	\$ 3.65	\$ 1,168.00
22	TRAFFIC STRIPES, LONG-LIFE THERMOPLASTIC, 4" WHITE	LF	115.00	\$ 3.65	\$ 419.75
23	TRAFFIC STRIPES, LONG-LIFE THERMOPLASTIC, 24" WHITE	LF	145.00	\$ 5.25	\$ 761.25
24	TRAFFIC MARKINGS, SYMBOLS, LONG-LIFE THERMOPLASTIC	SF	153.00	\$ 8.25	\$ 1,262.25
28	TOPSOIL SPREADING, 4" THICK, IF & WHERE DIRECTED	UNIT	347.00	\$ 1.00	\$ 347.00
29	FERTILIZING & SEEDING, TYPE A-3, IF & WHERE DIRECTED	SY	347.00	\$ 1.00	\$ 347.00
30	STRAW MULCHING, IF & WHERE DIRECTED	SY	347.00	\$ 1.00	\$ 347.00
36	ASPHALT PRICE ADJUSTMENT	LS	27.56	\$ 800.00	\$ 22,048.92
37	FUEL PRICE ADJUSTMENT	LS	35.29	\$ 400.00	\$ 14,116.40
<b>Total Extras</b>					<b>\$ 50,372.49</b>
<b>Supplementals</b>					
S-1	RECONSTRUCT TYPE B INLET WITH NEW CASTING	UNIT	3.00	\$ 1,850.00	\$ 5,550.00
S-2	6" PVC PIPE SCHEDULE 35	LF	20.00	\$ 482.00	\$ 9,640.00
S-3	DENSE GRADED AGGREGATE BASE COURSE VARIABLE THICKNESS	UNIT	1.00	\$ 1,500.00	\$ 1,500.00
S-4	RECONSTRUCT TYPE B INLET WITH NEW CASTING	UNIT	1.00	\$ 1,500.00	\$ 1,500.00
S-5	ORNAMENTAL GATE 4' WIDE	UNIT	1.00	\$ 1,200.00	\$ 1,200.00
S-6	RESET BRICK PAVERS	SY	20.00	\$ 100.00	\$ 2,000.00
S-7	REMOVAL OF PAVEMENT	SY	8,922.51	\$ 2.00	\$ 17,845.02
S-8	HMA MILLING, 1" OR LESS (MERRIL COURT)	SY	844.93	\$ 8.00	\$ 6,759.44
<b>Total Supplementals</b>					<b>\$ 43,994.46</b>

Amount of Original Contract \$ 519,882.39 Extra \$ 50,372.49  
Adjusted amount Based on Change Orders 1 & Final \$ 563,654.89 Supplemental \$ 45,994.46  
Reduction \$ (52,594.45)  
\$ Change in Contract 8.42% Total Change \$ 43,772.50  
(+) Increase or (-) Decrease

  
 \_\_\_\_\_ 04/17/24  
 (Engineer) (Date)

\_\_\_\_\_  
 (Project Director) (Date)

Accepted \_\_\_\_\_ Approval \_\_\_\_\_  
 (Contractor) (Date) (District Manager) (Date)

(Submit four (4) copies to the Local Aid District Office)

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

DATE April 5, 2022

NUMBER 180-2022

**TITLE: A RESOLUTION AMENDING RESOLUTION 370-2021 ENTITLED "A RESOLUTION AUTHORIZING THE AWARDING OF A CONTRACT FOR THE 2020 NJDOT ROADWAY IMPROVEMENTS TO CIFELLI & SON GENERAL CONTRACTING, 81 FRANKLIN AVENUE, NUTLEY, NEW JERSEY 07110 IN THE AMOUNT NOT TO EXCEED \$521,308.89" MAKING THE NEW AMOUNT NOT TO EXCEED \$519,882.39.**

**WHEREAS**, pursuant to Resolution #370-2021, adopted August 4, 2021, the City Council did authorize the Mayor and the City Clerk to execute an agreement with Cifelli & Son General Contracting for the NJDOT 2020 Roadway Improvements to North Day Street (between Park Ave-Washington St), Hillyer Street (between Ward St-E.O. Border) and Hickory Street (between Central Ave-Reynolds St); and

**WHEREAS**, Resolution #370-2021 was adopted on August 4, 2021 to award the contract for \$519,882.39. However, the tabulation spreadsheet had incorrect amounts for the following:


Bidder's Name	Incorrect Calculation Total	Correct Calculation Total
Cifelli & Son General Contracting, Inc. Nutley, New Jersey	\$521,308.89	\$519,882.39
D&L Paving Contractors, Inc. Nutley, New Jersey	\$689,185.43	\$689,262.87

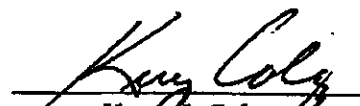
**WHEREAS**, a determination has been made that the aforementioned error needs to be corrected and that the do not exceed amount should be \$519,882.39; and

**WHEREAS**, the Chief Financial Officer of the City of Orange Township has prepared the necessary revised Certificate of Availability of Funds, a copy of which is attached hereto and made part hereof; and

**NOW, THEREFORE, IT BE FURTHER RESOLVED** that the Municipal Council of the City of Orange Township be and hereby authorizes to decrease the contract amount by \$2,000.00 making the new amount not to exceed \$519,882.39

Adopted: April 5, 2022

  
Joyce L. Lanier  
City Clerk

  
Kerry J. Coley  
Council President

  
A. MURPHY

STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE  
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS

DEPARTMENT OF TREASURY/  
DIVISION OF REVENUE  
PO BOX 232  
TRENTON, NJ 08648-0232

TAXPAYER NAME:

CIFELLI & SON GENERAL CONSTRUCTION, INC.

TRADE NAME:

TAXPAYER IDENTIFICATION#

223-342-350/000

CONTRACTOR CERTIFICATION#

0097891

ADDRESS

4 COPPOLA STREET  
NUTLEY NJ 07110

ISSUANCE DATE:

09/18/01

EFFECTIVE DATE:

12/18/04

*Patricia A. Chiofalo*

Director, Division of Revenue

FORM-BRC(08-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at your address.

# Request for Taxpayer Identification Number and Certification

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

Print or type  
See specific instructions on page 2

Name (as shown on your income tax return) <b>Cifelli &amp; Son General Construction, Inc.</b>	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ ..... <input type="checkbox"/> Exempt payee <input type="checkbox"/> Other (see instructions) ▶	
Address (number, street, and apt. or suite no.) <b>4 Coppola Street</b>	
City, state, and ZIP code <b>Nutley, New Jersey 07110</b>	
List account number(s) here (optional)	
Requester's name and address (optional)	

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	<b>22   3342350</b>

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here: Signature of U.S. person *[Signature]* Date **September 6, 2023**

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note: If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

**NEW JERSEY DEPARTMENT OF TRANSPORTATION  
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT  
CHANGE ORDER - STATE AID PROJECTS**

No. 1  
Date 04/17/24

Project NJDOT 2020 Various Streets Paving  
Municipality CITY OF ORANGE  
County ESSEX COUNTY  
Contractor Cifelli & Son General Construction, Inc

In accordance with the project Supplementary Specifications, the following are changes in the contract.  
Location and Reason for Change (Attach additional sheets if required)

Item No.	Description	Unit	Quantity (+/-)	Unit Price	Amount
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S-8	HMA MILLING, 3" OR LESS (MERRILL COURT)	SY	844.93	\$ 8.00	\$ 6,759.44
				<b>Total Supplementals</b>	<b>\$ 45,994.46</b>

Amount of Original Contract \$ 519,882.39      Extra \$ 50,372.49  
Adjusted amount Based on Change Orders 1 & Final \$ 563,654.89      Supplemental \$ 45,994.46  
Reduction \$ (52,594.45)  
\$ Change in Contract 8.42%      Total Change \$ 43,772.50  
(+) Increase of (-) Decrease

\_\_\_\_\_  
(Contractor)      04/17/24  
(Date)

\_\_\_\_\_  
(Providing Office)      (Date)

Accepted \_\_\_\_\_ Approved \_\_\_\_\_  
(Contractor)      (Date)      (District Manager)      (Date)

(Submit four (4) copies to the Local Aid District Office)



**CITY COUNCIL**

**The City of Orange Township, New Jersey**

DATE April 5, 2022

NUMBER 180-2022

**TITLE: A RESOLUTION AMENDING RESOLUTION 370-2021 ENTITLED "A RESOLUTION AUTHORIZING THE AWARDING OF A CONTRACT FOR THE 2020 NJDOT ROADWAY IMPROVEMENTS TO CIFELLI & SON GENERAL CONTRACTING, 81 FRANKLIN AVENUE, NUTLEY, NEW JERSEY 07110 IN THE AMOUNT NOT TO EXCEED \$521,308.89" MAKING THE NEW AMOUNT NOT TO EXCEED \$519,882.39.**

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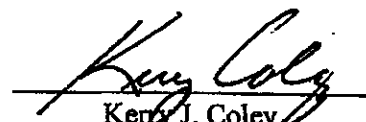
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**NOW, THEREFORE, IT BE FURTHER RESOLVED** that the Municipal Council of the City of Orange Township be and hereby authorizes to decrease the contract amount by \$2,000.00 making the new amount not to exceed \$519,882.39

Adopted: April 5, 2022

  
Joyce L. Lanier  
City Clerk

  
Kerry J. Coley  
Council President

  
A. M. RATTI

STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE  
FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS

DEPARTMENT OF TREASURY  
DIVISION OF REVENUE  
P.O. BOX 282  
TRENTON, N.J. 08646-0282

TAXPAYER NAME:  
CIFELLI & SON GENERAL CONSTRUCTION, INC.

TRADE NAME:

TAXPAYER IDENTIFICATION#  
223-342-350/000

CONTRACTOR CERTIFICATION#  
0007891

ADDRESS  
4 COPPOLA STREET  
NUTLEY NJ 07110

ISSUANCE DATE:  
09/19/01

EFFECTIVE DATE:  
12/19/04

*Patricia A. Chencich*  
Director, Division of Revenue

FORM-BRC(08-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

# Request for Taxpayer Identification Number and Certification

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

**Name (as shown on your income tax return)**  
Cifelli & Son General Construction, Inc.

**Business name, if different from above**

Check appropriate box:  Individual/Sole proprietor  Corporation  Partnership  
 Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ .....  Exempt payee  
 Other (see instructions) ▶

**Address (number, street, and apt. or suite no.)**  
4 Coppola Street

**City, state, and ZIP code**  
Nutley, New Jersey 07110

**List account number(s) here (optional)**

**Requester's name and address (optional)**

Print or type  
See Specific Instructions on page 2.

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3. Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number	
or	
Employer identification number	22   3342350

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

**Sign Here** Signature of U.S. person *[Signature]* Date ▶ September 6, 2008

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' shares of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

