



CONTRACT DOCUMENTS & SPECIFICATIONS

for

Asphalt Hot-Mix for 2021

Bid Opening

Wednesday, January 13, 2021 @ 2:00 pm
City of Grand Island, City Hall
100 East 1st Street
Grand Island, NE 68801

**STREETS DIVISION
DEPARTMENT OF PUBLIC WORKS
GRAND ISLAND, NEBRASKA**

DECEMBER 2020

ADVERTISEMENT TO BIDDERS
for
ASPHALT HOT-MIX FOR 2021
for
CITY OF GRAND ISLAND, NEBRASKA

Sealed bids will be received at the office of the City Clerk, 100 E. First Street., Grand Island, NE 68801 or P.O. Box 1968, Grand Island, Nebraska 68802 until **2:00 p.m. (Local Time), Wednesday, January 13, 2021** for furnishing **Asphalt Hot-Mix for 2021** for the City of Grand Island. Bids will be publicly opened at this time in the Conference Room #1 located on 1st floor of City Hall. Bids received after specified time will be returned unopened to sender.

Bids shall be submitted on forms which will be furnished by the City OR bidding documents, plans, and specifications for use in preparing bids may be downloaded from the Quest CDN website, www.QuestCDN.com for a thirty dollar (\$30) fee. Bids must be uploaded to the Quest CDN website and received before the specified time to be considered.

Please return one (1) original and one (1) copy of each bid sheet.

Bids will be evaluated by the Purchaser based on price, conformance with specifications, availability, and quality.

The Purchaser reserves the right to reject any or all bids and to waive irregularities therein and to accept whichever bid that may be in the best interest of the City, at its sole discretion.

No bidder may withdraw their bid for a period of sixty (60) days after date of opening bids.

TITLE VI

The City of Grand Island, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notified all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.

SECTION 504/ADA NOTICE TO THE PUBLIC

The City of Grand Island does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City of Grand Island also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator.

City Administrator
308-389-0140
100 East First Street, Grand Island, NE 68801
Monday through Friday; 8:00 a.m. to 5:00 p.m.

RaNae Edwards, City Clerk

**CITY OF GRAND ISLAND
BID REQUEST INSTRUCTIONS**

The City of Grand Island, Nebraska, Public Works Department,
Streets Division,
respectively requests sealed bids for the following:

ASPHALT HOT-MIX FOR 2021

As part of the Bid Request, the following items are attached:

- Advertisement to Bidders
- Bid Instructions
- General Specifications
- Special Provisions
- Bid Sheet

Sealed bids must be received by 2:00 pm (local time), Wednesday, January 13, 2021 and be addressed to:

City Clerk
City of Grand Island
RE: Bids for Asphalt Hot-Mix for 2021
100 East First Street
P.O. Box 1968
Grand Island, NE 68802-1968

Bid Submittal must include the following:

- One (1) original completed bid consisting of:
 - All bid sheets, completed and signed
 - Any and all requested supplemental attachments
- One (1) copy of completed bid
- Envelope containing the above, clearly marked as the bid for Asphalt Hot-Mix for 2021

All information required in specifications must be included with the bid.

Supplementary material that the bidder wishes to include will be appreciated, but is not required.

Please direct bid questions to:

Shannon Callahan, Street Superintendent (308) 385-5322 or shannonc@grand-island.com

Sealed bids will be received at the office of the City Clerk, 100 East First Street, P.O. Box 1968, Grand Island, Nebraska until 2:00 pm (local time), Wednesday, January 13, 2021 for furnishing **Asphalt Hot-Mix for 2021** as specified in these bidding documents, FOB Grand Island, NE.

Exceptions to Specifications	Any Bidder who has exceptions to any specifications and requirements listed in the bidding documents must so state in the space provided on the bid sheet. Reference exception by using the specification item number where applicable. Attach an additional sheet if necessary. It is the bidder's responsibility to clearly outline any exceptions. Do not make blanket references to brochures for exceptions. Failure by Bidder to outline exceptions will require the successful Bidder to comply with the specifications.
Payment	Prior to approving the invoice for payment, the City reserves the right to thoroughly inspect and test the material to confirm compliance with specifications. Any material which does not meet the City's requirements will be returned at vendor's expense for correction. Approved invoices will be paid within 30 days after receipt of invoice.
Fair Employment Practices	Each Bidder agrees that they will not discriminate against any employee or applicant for employment because of age, race, color, religious creed, national origin, handicap, sex or political affiliation.
Data Privacy	Bidder agrees to abide by all applicable Local, State, and Federal laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and corporations as to inventions, patents, and patent rights. The Bidder agrees to hold the City harmless from any claims resulting from the bidder's unlawful disclosure or use of private or confidential information.
Independent Price Determination	By signing and submitting bid, the Bidder certifies that: the prices in the bid have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Bidder or with any competitor.

Gratuities and Kickbacks

City Code states that it is unethical for any person to offer, give or agree to give any City employee or former City employee, or for any City employee or former City employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore. It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

Clarification of Specification Documents

Vendors shall promptly notify the Purchasing Agent of any ambiguity, inconsistency, or error, which they may discover upon examination of the specifications. Interpretations, corrections and changes made to the specifications will be made by written addenda. Oral interpretations or changes to the specifications made in any other manner will not be binding on the City; bidders shall not rely upon such interpretations or changes.

Purchasing Agent
308-389-0130

Demonstrations/Samples

If requested, the Bidder shall, at bidder's expense, demonstrate and/or furnish samples of the exact item(s) proposed within seven (7) calendar days from receipt of such request from the City.

Bid Evaluation and Award

No bid shall be withdrawn for a period of 60 days after bid opening. The City reserves the right to reject any and all bids, to waive technicalities and to accept the bid considered by the Purchaser to be in the City's best interest. The bid will be evaluated based on the following:

- Bid Price
- Conformance with Specifications
- Availability
- Quality

Fiscal Years

The City of Grand Island, Nebraska operates on a fiscal year beginning October 1st and ending on the following September 30th. It is understood and agreed that any portion of this agreement which will be performed in a future fiscal year is contingent upon the City Council adopting budget statements and appropriations sufficient to fund such performance.

Title VI

The City of Grand Island, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notified all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.

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ADA Notice to the Public

The City of Grand Island does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations. The City of Grand Island also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator.

City Administrator
308-389-0140
100 East First Street, Grand Island, NE 68801
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**CITY OF GRAND ISLAND
SPECIAL PROVISIONS
FOR
ASPHALT HOT-MIX FOR 2021**

Section 1. Intent

Establish unit pricing for Hot-Mix Asphalt, plant pick-up, for the 2021 construction season. There is no guarantee of quantities of Hot-Mix Asphalt to be purchased.

Section 2. Multiple Award

It is intended that the City of Grand Island enter into Price Agreement(s) with a primary and an alternative (secondary) supplier for each line item pursuant to City Code §27-19.

Section 3. Contract Duration

The duration of the contract shall be from date of award through December 31, 2021.

Section 4. Standard Mix Specifications

Asphaltic Concrete, Type SPR –
Nebraska Department of Roads (NDOR) Asphaltic Concrete Type SPR with PG64-34 binder with material properties conforming to the most current NDOR specifications and special provisions; the mix will not be required to contain hydrated lime, warm mix additives, or liquid striping agents.

Section 5. Alternative Mix Specifications

Alternative mixes available during the contract period may be written-in by bidder if mix type is not listed under standard mixes. Written-in alternative mixes shall have a unique identifier (name) and specifications shall be included as part of the bid that includes mix design data and binder type.

Section 6. Quantities

A total of approximately 4,000 tons of hot-mix asphalt will be procured during the 2021 season.

**CITY OF GRAND ISLAND
 BID SHEET
 FOR
 ASPHALT HOT-MIX FOR 2021**

BID SHEET FOR: _____ (PLEASE PRINT)

STANDARD MIXES (see <i>Special Provisions, Section 4</i>)		
Mix Identification	Binder	Unit Price
Type SPR	64-34	\$ per ton

ALTERNATIVE MIXES (see <i>Special Provisions, Section 5</i>)		
Mix Identification	Binder Type (Please print)	Unit Price
Type SPR	64-22	\$ per ton
Type SPR Fine		\$ per ton
Type SLX		\$ per ton
Type A		\$ per ton
Type B		\$ per ton
Type B/C		\$ per ton
Type C		\$ per ton
(Other, please print)		\$ per ton
(Other, please print)		\$ per ton

Exceptions to Specifications:

**CITY OF GRAND ISLAND
BID SHEET
FOR
ASPHALT HOT-MIX FOR 2021**

*The Street & Transportation Division of the Public Works Department for the City of Grand Island does not pay Federal, State, or City tax; do not include tax in your pricing.

Bid of _____,

hereinafter called "Bidder," organized and existing under the laws of the State of _____,

to the City of Grand Island, Nebraska, hereinafter called "City" to provide:

ASPHALT HOT-MIX FOR 2021

In compliance with the City's advertisement for bids, bidder hereby agrees to provide the previously mentioned services, materials, and/or equipment, at the price stated on the bid sheet, in compliance with all requirements and specifications contained in the Bid Request, and further agrees that the language of this document shall govern in the event of a conflict with the bid.

The City reserves the right to accept or reject any or all bids, and to waive any informality and to enter into such contract as it shall deem to be in the City's best interest.

Please return one (1) original and one (1) copy of each bid sheet and requested attachments.

Dated this _____ day of _____, 2021.

Respectfully submitted,

Company

Address

Signature of Bidder

Telephone Number

Name (Print or Type)

Fax Number

Title

E-mail Address

EXEMPT SALES CERTIFICATE

Nebraska Resale or Exempt Sale Certificate for Sales Tax Exemption

Name and Mailing Address of Purchaser			Name and Mailing Address of Seller		
Name			Name		
Legal Name					
Street or Other Mailing Address			Street or Other Mailing Address		
City	State	Zip Code	City	State	Zip Code

Check Type of Certificate

- Single Purchase If single purchase is checked, enter the related invoice or purchase order number _____.
- Blanket If blanket is checked, this certificate is valid until revoked in writing by the purchaser.

I hereby certify that the purchase, lease, or rental by the above purchaser is exempt from the Nebraska sales tax for the following reason:

Check One Purchase for Resale (Complete Section A.) Exempt Purchase (Complete Section B.) Contractor (Complete Section C.)

Section A—Nebraska Resale Certificate

Description of Property or Service Purchased

I hereby certify that the purchase, lease, or rental of _____ from the seller listed above is exempt from the Nebraska sales tax as a purchase for resale, rental, or lease in the normal course of our business. The property or service will be resold either in the form or condition in which it was purchased, or as an ingredient or component part of other property or service to be resold.

I further certify that we are engaged in business as a: Wholesaler Retailer Manufacturer Lessor

Description of Product Sold, Leased, or Rented

of _____

My Nebraska Sales Tax ID Number is 01-_____.

If none, state the reason _____,

or Foreign State Sales Tax Number _____ State _____.

Section B—Nebraska Exempt Sale Certificate

The basis for this exemption is exemption category _____ (See the list of Exemption Categories and corresponding numbers on reverse side).

If exemption category 2 or 5 is claimed, enter the following information:

Description of Property or Service Purchased	Intended Use of Property or Service Purchased
_____	_____

If exemption category 3 or 4 is claimed, enter your Nebraska Certificate of Exemption State ID number. 05-_____ Do **not** enter your Federal Employer ID Number.

If exemption category 6 is claimed, the seller must enter the following information and sign this form below:

Description of Items Sold	Date of Seller's Original Purchase	Was tax paid when purchased by seller? <input type="checkbox"/> Yes <input type="checkbox"/> No	Was item depreciable? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Section C—For Contractors Only

1. Purchase of building materials or fixtures.

As an Option 1 or Option 3 contractor, I hereby certify that the purchase of building materials and fixtures from the seller listed above are exempt from Nebraska sales tax. My Nebraska Sales or Use Tax ID Number is: _____.

2. Purchases made by an Option 2 contractor under a Purchasing Agent Appointment on behalf of _____ (exempt entity)

As an Option 2 contractor, I hereby certify that the purchase of building materials and fixtures from the seller listed above is exempt from Nebraska sales tax pursuant to the **attached** Purchasing Agent Appointment and Delegation of Authority for Sales and Use Tax, Form 17.

Any purchaser, agent, or other person who completes this certificate for any purchase which is not for resale, lease, or rental in the regular course of the purchaser's business, or is not otherwise exempted from sales and use taxes is subject to a penalty of \$100 or ten times the tax, whichever amount is larger, for each instance of presentation and misuse. With regard to a blanket certificate, this penalty applies to each purchase made during the period the blanket certificate is in effect. Under penalties of law, I declare that I am authorized to sign this certificate, and to the best of my knowledge and belief, it is correct and complete.

sign here ▶

Authorized Signature

Title

Date

Authorized Signature Name (please print)

**Do not send this certificate to the Nebraska Department of Revenue. Keep it as part of your records.
Sellers cannot accept incomplete certificates.**

**The Department is committed to the fair administration of the Nebraska tax laws. It is unlawful to claim an exemption for purchases of property or services that are subject to tax. Sellers are encouraged to notify the Department of any unlawful use of this form.
revenue.nebraska.gov, 800-742-7474 (NE and IA), 402-471-5729**

Instructions

Who May Issue a Resale Certificate. Purchasers are to give the seller a properly completed Form 13, Section A, when making purchases of property or taxable services that will subsequently be resold in the purchaser's normal course of business. The property or services must be resold in the same form or condition as when purchased, or as an ingredient or component part of other property that will be resold.

Who May Issue an Exempt Sale Certificate. Form 13, Section B, may be completed and issued by governmental units or organizations that are exempt from paying Nebraska sales and use taxes. See this list in the [Nebraska Sales Tax Exemptions Chart](#). Most nonprofit organizations are **not** exempt from paying sales and use tax. Enter the appropriate number from "Exemption Categories" (listed below) that properly reflects the basis for your exemption.

For additional information about proper issuance and use of this certificate, please review [Reg-1-013, Sale for Resale – Resale Certificate](#), and [Reg-1-014, Exempt Sale Certificate](#).

Contractors. Contractors complete Form 13, Section C, part 1 or part 2 based on the option elected on the [Contractor Registration Database](#).

To make tax-exempt purchases of building materials and fixtures, Option 1 or Option 3 contractors must complete Form 13, Section C, Part 1. To make tax-exempt purchases of building materials and fixtures pursuant to a construction project for an exempt governmental unit or an exempt nonprofit organization, Option 2 contractors must complete Form 13, Section C, Part 2. The contractor must also attach a copy of a properly completed [Purchasing Agent Appointment and Delegation of Authority for Sales and Use Tax, Form 17](#), to the Form 13, and both documents must be given to the supplier when purchasing building materials. See the [contractor information guides](#) and [Reg-1-017, Contractors](#), for additional information. Also, see the Important Note under "Exemption Categories" number 3.

When and Where to Issue. The Form 13 must be given to the seller at the time of the purchase to document why sales tax does not apply to the purchase. The Form 13 must be kept with the seller's records for audit purposes.

Sales Tax Number. A purchaser who is engaged in business as a wholesaler or manufacturer is not required to provide an ID number when completing Section A. Out-of-state purchasers may provide their home state sales tax number. Section B does not require a Nebraska ID number when exemption category 1, 2, or 5 is indicated.

Fully Completed Resale or Exempt Sale Certificate. A fully completed resale or exempt sale certificate is proof for the retailer that the sale was for resale or is exempt. For a resale certificate to be fully completed, it must include: (1) identification of the purchaser and seller, type of business engaged in by the purchaser; (2) sales tax permit number; (3) signature of an authorized person; and (4) the date of issuance.

For an exempt sale certificate to be fully completed, it must include: (1) identification of purchaser and seller; (2) a statement that the certificate is for a single purchase or is a blanket certificate covering future sales; (3) a statement of the basis for exemption, including the type of activity engaged in by the purchaser; (4) signature of an authorized person; and (5) the date of issuance.

Penalties. Any purchaser who gives a Form 13 to a seller for any purchase which is other than for resale, lease, or rental in the **normal** course of the purchaser's business, or is not otherwise exempted from sales and use tax under the Nebraska Revenue Act, is subject to a penalty of \$100 or ten times the tax, whichever is greater, for each instance of presentation and misuse. In addition, any purchaser, or their agent, who fraudulently signs a Form 13 may be found guilty of a Class IV misdemeanor.

Exemption Categories

(Insert appropriate number from the list below in Section B)

1. Governmental units, identified in [Reg-1-072, United States Government and Federal Corporations](#); and [Reg-1-093, Governmental Units](#). Governmental units are not assigned exemption numbers.

Sales to the U.S. government, its agencies, instrumentalities, and corporations wholly owned by the U.S. government are exempt from sales tax. However, sales to institutions chartered or created under federal authority, but which are not directly operated and controlled by the U.S. government for the benefit of the public, generally are taxable.

Purchases by governmental units that are **not** exempt from Nebraska sales and use taxes include, but are not limited to: governmental units of other states; sanitary and improvement districts; rural water districts; railroad transportation safety districts; and county historical societies.

2. Purchases when the intended use renders it exempt. See [Nebraska Sales Tax Exemption Chart](#).
3. Purchases made by organizations that have been issued a [Nebraska Exempt Organization Certificate of Exemption](#) (Certificate of Exemption), [Reg-1-090, Nonprofit Organizations](#); [Reg-1-091, Religious Organizations](#); and [Reg-1-092, Educational Institutions](#), identify these organizations. These organizations are issued a Certificate of Exemption with a state ID number which must be entered in Section B of Form 13.

Important Note: Nonprofit educational institutions must be accredited regionally or nationally and have their primary campus in Nebraska to be exempt from sales and use tax. Also nonprofit organizations providing any of the types of health care or services that qualify to be exempt must be licensed or certified by the Nebraska Department of Health and Human Services (DHHS) to be exempt from sales and use taxes. There is no sales and use tax exemption prior to these entities being accredited, licensed, or certified. They CANNOT issue either a [Resale or Exempt Sale Certificate, Form 13](#), or a [Purchasing Agent Appointment, Form 17](#), to any retailer or contractor relating to purchases of building materials for construction or repair projects performed prior to being accredited, licensed, or certified. After an entity becomes accredited, licensed, or certified upon completion of the construction project, it may submit a [Form 4](#).

Nonprofit **health care organizations** that hold a Certificate of Exemption are exempt for purchases for use at their facility, or portion of the facility, covered by the license issued under the Nebraska Health Care Facility Licensure Act. Only specific types of health care facilities and activities are exempt. Purchases of items for use at facilities that are not covered under the license, or for any other activities that are not specifically exempt, are taxable. The exemption is not for the entire organization that offers different levels of health care or other activities, but is limited to the specific type of health care that is exempt. Purchases for non-exempt types of health care are taxable.

4. Purchases of motor vehicles, trailers, semitrailers watercraft, and aircraft used predominately as common or contract carrier vehicles; accessories that physically become part of the common or contract carrier vehicle; and repair and replacement parts for these vehicles. The exemption ID number must be entered in Section B of the Form 13. An individual or business that has been issued a common or contract carrier certificate of exemption may only use it to purchase those items described above prior to the expiration date on the certificate. The certificate of exemption expires every 5 years. (See [Nebraska Common or Contract Carrier Information Guide](#)).
5. Purchases of manufacturing machinery and equipment made by a person engaged in the business of manufacturing, including repair and replacement parts or accessories, for use in manufacturing. (See [Reg-1-107, Manufacturing Machinery and Equipment Exemption](#)).
6. Occasional sales of used business or farm machinery or equipment productively used by the seller as a depreciable capital asset for more than one year in his or her business. The seller must have previously paid tax on the item being sold. The seller must complete, sign, and give the Exempt Sale Certificate to the purchaser. (See [Reg-1-022, Occasional Sales](#)). The Form 13 must be kept with the purchaser's records for audit purposes.

PURCHASING AGENT
APPOINTMENT

Purchasing Agent Appointment and Delegation of Authority for Sales and Use Tax

Section A – Purchasing Agent Appointment

Name and Address of Contractor			Name and Address of Exempt Governmental Unit or Exempt Organization		
Name			Name		
Street or Other Mailing Address			Street or Other Mailing Address		
City	State	Zip Code	City	State	Zip Code
Name and Location of Project			Appointment Information		
Name			Effective Date (See instructions)		
Street Address			Expiration Date		
City	State	Zip Code	Nebraska Exemption Number (Exempt Organizations Only)		

Provide the contract name, number, and a description of the project.

The undersigned governmental unit or exempt organization appoints the above-named contractor and the contractor's delegated subcontractors as its agent to purchase and pay for building materials that will be annexed to real estate by them into the tax exempt construction project identified above.

**sign
here** ▶

Authorized Signature of Exempt Governmental Unit or Exempt Organization

Title

Date

Section B — Delegation of Contractor's Authority A contractor can delegate its authority to its subcontractor.

Name and Address of Subcontractor			Delegation Information for the Project Identified in Section A		
Name			Effective Date		
Street or Other Mailing Address			Expiration Date		
City	State	Zip Code	Portion of Project		

The undersigned contractor hereby delegates authority to the above-named subcontractor to act as the purchasing agent of the named governmental unit or exempt nonprofit organization.

**sign
here** ▶

Signature of Contractor or Authorized Representative

Title

Date

Name and Address of Subcontractor			Delegation Information for the Project Identified in Section A		
Name			Effective Date		
Street or Other Mailing Address			Expiration Date		
City	State	Zip Code	Portion of Project		

The undersigned contractor hereby delegates authority to the above-named subcontractor to act as the purchasing agent of the named governmental unit or exempt nonprofit organization.

**sign
here** ▶

Signature of Subcontractor or Authorized Representative

Title

Date

Name and Address of Subcontractor			Delegation Information for the Project Identified in Section A		
Name			Effective Date		
Street or Other Mailing Address			Expiration Date		
City	State	Zip Code	Portion of Project		

The undersigned contractor hereby delegates authority to the above-named subcontractor to act as the purchasing agent of the named governmental unit or exempt nonprofit organization.

**sign
here** ▶

Signature of Subcontractor or Authorized Representative

Title

Date

Instructions

Section A

Who Can Issue. Any governmental unit or nonprofit organization that is exempt from sales and use tax may appoint a contractor as its purchasing agent for building materials and fixtures that will be annexed to property that belongs to or will belong to the exempt governmental unit or exempt nonprofit organization pursuant to a construction contract or covered under an on-call, repair, or maintenance service agreement. Exempt governmental units and exempt nonprofit organizations are identified in [Sales and Use Tax Regulations 1-072, 1-090, 1-091, 1-092, and 1-093](#).

Important Note: A nonprofit organization that has not received its sales and use tax Exempt Organization Certificate of Exemption, cannot issue either a Purchasing Agent Appointment and Delegation of Authority for Sales and Use Tax, Form 17, or a [Nebraska Resale or Exempt Sale Certificate for Sales Tax Exemption, Form 13](#).

Appointment Information. To appoint a contractor as its purchasing agent, the exempt governmental unit or exempt nonprofit organization must complete Section A. The phrase “upon completion” or similar phrase is not an acceptable expiration date. If the project is not completed before the expiration date, a new purchasing agent appointment must be issued with the new effective and expiration dates. The purchasing agent authority for the contractor becomes effective on the later of the “effective date” or the signature date of the individual authorized to sign the Form 17 on behalf of the exempt governmental unit or exempt nonprofit organization.

When To Issue. The qualified exempt nonprofit organization or exempt governmental unit should issue the completed and signed Form 17 to the contractor BEFORE the contractor annexes any building materials. If the Form 17 is not timely issued, the Option 2 or Option 3 general contractor must pay the sales and use taxes on all building materials annexed to real estate before the effective date or signature date on the appointment.

Important Note: A copy of the completed Form 17 should be retained by the exempt governmental unit or exempt nonprofit organization. The original is to be retained by the contractor.

On-Call, Repair, or Maintenance Agreements. Exempt governmental units and exempt nonprofit organizations, in lieu of issuing a separate purchasing agent appointment to the same Option 2 or Option 3 contractor for each service call, may issue to the Option 2 or Option 3 contractor a written on-call, repair, or maintenance agreement and purchasing agent appointment that covers a calendar year or part of a calendar year. A new written agreement and purchasing agent appointment must be issued at least each calendar year.

Section B

Delegation of Contractor’s Authority. The contractor or subcontractor who has previously been delegated to be a purchasing agent for a portion of the project may delegate his or her authority as the purchasing agent to other subcontractors for all or a portion of the project. Contractors who are delegating their authority as the purchasing agent are only required to complete Section B. Contractors and subcontractors must issue a separate Form 17 to each subcontractor to whom they are delegating their purchasing agent authority. The purchasing agent authority for the subcontractor becomes effective on the later of the “effective date” or the signature date of the contractor’s or subcontractor’s authorized individual.

If Section B is full and additional delegations are required, it is necessary for the contractor who is delegating his or her authority to complete a new Form 17, Section B and provide a copy of the Form 17 between the exempt governmental unit or exempt nonprofit organization and the contractor. Reproductions of this delegation must be provided to the contractor, who must retain a copy for his or her records, and to the governmental unit or exempt nonprofit organization.

When To Issue. The delegation must be issued to the subcontractor BEFORE the subcontractor annexes any building materials. If the Form 17, Section B, Delegation of Contractor’s Authority is not issued, the Option 2 or Option 3 subcontractor must pay the sales and use taxes on all building materials annexed to real estate before the effective date or signature date on the appointment.

Other Contractor Information

Purchasing Tax Exempt Building Materials and Fixtures. Option 1 and Option 3 contractors who perform construction work for an exempt governmental unit or exempt nonprofit organization can purchase the building materials and fixtures tax exempt by issuing a properly and fully completed Form 13, Section C, Block 1, to its suppliers. It is not necessary for the Option 1 or Option 3 subcontractor to attach a copy of the Form 17 to its Form 13.

Option 2 contractors who perform construction work for an exempt governmental unit or exempt nonprofit organization can purchase the building materials and fixtures tax exempt by issuing a properly and fully completed Form 13, Section C, Block 2, and a copy of the Form 17 to its supplier. This delegation will not allow purchases of building materials and fixtures without payment of the tax by the contractor or subcontractor before the later of the effective date of the appointment or the signature date of the individual authorized to delegate them as a purchasing agent. In addition, the appointment cannot be made after the expiration date of the original appointment.

Form 13 and Form 17 must be retained with the supplier’s and contractor’s records for audit purposes. A contractor may reproduce copies of these documents which can be furnished to the suppliers for each invoice or order made by them.

Invoices from suppliers for the purchase of building materials by a contractor as purchasing agent, or an authorized subcontractor, must clearly identify that the purchase is for the specific Form 17 project.

Option 2 and Option 3 contractors who bill another contractor for work performed for an exempt governmental unit or exempt nonprofit organization are not required to collect sales tax on the amount charged for their contractor labor charges since their labor charges are not subject to tax. They do not need to obtain a Form 13 or Form 17 from the contractor.

Credit/Refund of Sales and Use Tax. Option 2 contractors who have been appointed as a purchasing agent before any materials are annexed, may withdraw tax-paid building materials from inventory that will be annexed to real estate or used to repair property annexed to real estate and receive a credit for the sales or use tax amount previously paid on those materials.

The Option 2 contractor or subcontractor may take a credit either against its current tax liability, or file a [Claim for Overpayment of Sales and Use Tax, Form 7](#), and receive a refund of the sales or use tax paid on those materials.

Tools, Equipment, Supplies, and Taxable Services. The purchase, rental, or lease of tools, supplies, equipment, or taxable services (for example, scaffolding, barricades, machinery, building cleaning services etc.) by a contractor for use to complete an exempt project CANNOT be purchased tax exempt, even if the contractor has been issued a Form 17 for the project.

Penalty. Any person who signs this document with the intent to evade payment of tax is liable for the sales and use tax, interest, and penalty, and may be found guilty of a misdemeanor.

Authorized Signature. The purchasing agent appointment, Section A, must be signed by the proper government official or by an officer of the exempt nonprofit organization or another individual authorized by an attached power of attorney. The delegation of the prime or subcontractor's authority, Section B, must be signed by an owner, partner, corporate officer, or other individual authorized to sign the Delegation of Contractor's Authority.