

**The Navajo Nation Zoo
Department of Fish and Wildlife
Division of Natural Resources**

REQUEST FOR PROPOSALS

For

NAVAJO NATION ZOO EXTERIOR FENCE REPLACEMENT

(RFP Bid No. 23-10-3136KS)

Contact: David Mikesic, Zoologist, 928-871-6573, dmikesic@navajozoo.org

The Navajo Zoo Program is seeking a contractor to replace the existing exterior chain link fence and vertical support poles with new material, and a greater height. The Navajo Nation Zoo occupies the eastern portion of Tse Bonito Park in Window Rock Arizona. Tse Bonito Tribal Park is also home to the Navajo Nation Parks and Recreation Department and the Navajo Nation Museum. This park was had been developed beginning in the 1960s and -70s and continues today. The Navajo Zoo was built in the mid-1970s, and the exterior chain link fence was installed at that time. The fencing now shows its age with rusting supports, patched chain link in some areas, less than 8' height due to erosion, and other inadequacies.

I. RFP PROCESS

A. PROCUREMENT OF RFP:

This procurement shall be conducted in accordance with all applicable Navajo Nation law and regulations including the Navajo Business Opportunity Act. All applicable rules, regulations, and laws shall also be followed. Prospective respondents shall familiarize themselves with Navajo Nation regulations prior to submitting responses to this RFP.

B. SCHEDULE OF ACTIVITIES:

1. Public Advertisement: October 12, 2023
2. **Voluntary Site Visit: October 19, 2023 @ 10am @ Navajo Nation Zoo**
3. Prospective offerors written questions deadline: October 31, 2023
4. Responses to questions: November 3, 2023
5. **Due Date for Proposals: November 10, 2023 at 5PM**
6. Opening of Proposals and evaluation by Review Team: November 13-17, 2023
7. Selection of successful offeror will be notified: November 17, 2023

C. INQUIRIES: Prospective Offerors shall submit written questions concerning this RFP to obtain clarification of requirements to David Mikesic, Zoologist, Navajo Zoo Program at (928) 871-6573 and/or by email to: dmikesic@navajozoo.org.

- D. For proper estimation of construction costs, the Navajo Zoo Program will be conducting a pre-proposal site visit on October 19, 2023 @ 10am for any/all firms interested to bid. Pre-proposal site visit is not mandatory for submission of proposals, but is highly recommended.**
- E. ADDENDUM/SUPPLEMENTAL TO THIS REQUEST FOR PROPOSAL:** In the event that it becomes necessary to revise any part of this RFP, an addendum will be issued. Addendum(s) will be made emailed to all Site Visit attendees, and made available through the Office of the Controller website under the 'RFPs' page: <https://nnooc.org/request-for-proposals/>.
- F. PROPOSAL SUBMISSION:** Proposals are due no later than November 10, 2023 at 5pm at the Navajo Nation Zoo office or Mail to PO Box 1329, Window Rock AZ 86515. Proposals may be sent via UPS/FedEx to: Navajo Nation Zoo, Hwy.264, Bldg.34, Window Rock, AZ 86515. Proposals will be opened during the week of November 6-10, 2023 at the Navajo Nation Zoo; the opening of proposals shall not be public. Proposals must be received on or before 5:00 PM., November 10, 2023 (MST). Respondents who are mailing their proposals should allow sufficient time for mail delivery to ensure receipt by the time specified. If mailed, it is recommended that proposals be sent by certified mail to the address indicated above. No electronic submittals. Late proposals will not be accepted.
- G. FOUR SETS OF PROPOSALS ARE REQUIRED:** Four sets of the proposal must be delivered in a sealed envelope. The outside of each envelope and outside Mail Packet should be clearly marked with "RFP Bid No. 23-10-3136KS", name and address of the firm submitting the proposal, and the firm's priority status under the NBOA.

Proposal Format:

Offerors shall provide information in the following format:

Part A. Written Proposal

Section 1: Cover Letter and Offeror overview

Section 2: Company Credentials, Qualification and Staff Resume showing evidence of at least two previous fence installation projects

Section 3: Building Inventory Assessment Experience

Section 4: List of similar services provided to other clients on Navajo Nation in proportion to requested services for the last five years.

Section 5: Signed W-9 Form and Suspension/Debarment Form

Section 6: Certification of Insurance

Section 7: NBOA Priority Certificate

Section 8: Certificate of Good Standing with Navajo Business Regulatory issued no later than one year prior to the date of proposal submission

Section 9: Bid bond (if over \$50K)

Section 10: evidence of ability to bond for full project for performance and payment bonds.

Section 11: All proposals must be endorsed with the signature of a responsible official having the authority to bind the offeror to the execution of a contract.

Part B. Cost Proposal (Sealed separately in envelope)

- H. COST PROPOSAL:** Cost proposals shall be sealed separately. Cost proposals will be opened only when the offeror has met the minimum qualifications. If offeror fails to submit Cost Proposal separately from proposal, the offeror shall be deemed as not having met minimum qualifications.
- I. REJECTION OF PROPOSALS:** The Navajo Zoo Program reserves the right to reject any and all proposals. This RFP may be canceled at any time and all proposals may be rejected in whole or in part when the Navajo Zoo Program determines it is in the best interest of the Navajo Nation.
- J. PROPRIETARY INFORMATION:** Any restriction on the use of data contained within any proposals must be clearly stated in the proposal itself. Proprietary information submitted in response to this RFP will be handled in accordance with applicable procurement procedures. Each and every page of the proprietary material must be labeled or identified with the word “proprietary”.
- K. RESPONSE MATERIAL OWNERSHIP:** All material submitted regarding this RFP shall be retained and are subject to review pursuant to the Navajo Nation Privacy Act. The Navajo Zoo Program has the right to use any or all system ideas presented in reply to this RFP, subject to limitations in paragraph I above. Disqualification or non-selection of an offeror or proposal does not eliminate this right.
- L. INCURRING COSTS:** Navajo Zoo Program is not liable for any cost incurred by the Contractor prior to issuance of a contract.
- M. ACCEPTANCE TIME:** Navajo Zoo Program intends to make a selection within five (5) working days after the opening date for receipt of proposals.
- N. SUFFICIENT APPROPRIATION:** A contract awarded as a result of this RFP is contingent upon the availability of funds. A contract may be terminated or reduced in scope if sufficient funds do not exist; written notification shall be issued to the Contractor by the Zoo Program Manager if this situation occurs. The Navajo Zoo Program decision to terminate or reduce the scope due to insufficient appropriations shall be accepted as final by the Contractor.
- O. EVALUATION PROCEDURES AND CRITERIA.**
1. An evaluation team will judge the proposals received in accordance with the evaluation criteria listed below. The team may request oral presentations and each offeror should be prepared to provide any additional information the team feels necessary for the fair evaluation of proposals.
 2. Failure of an offeror to provide any information requested in the RFP will result in disqualification of the proposal.
 3. The sole objective of the review team will be to select the offeror who is most responsible and responsive to the needs of Navajo Zoo Program. The specifications in this RFP represent the minimum performance necessary for a response. On the basis of the evaluation criteria established in this RFP the review team will select and recommend the offeror who best meets this objective. If the Navajo Zoo receives only one (1) Offer to its

RFP, it may evaluate that Proposal; if evaluation finds the Offeror is Responsible and Responsive, the Navajo Zoo may select that Offeror.

4. Evaluation Criteria: Offerors should be able to demonstrate reasonable experience in installing chain link fencing, and show evidence of at least two installations of 500' or greater. The following criteria will be used by an evaluation team in the selection process for contract award. Each proposal will be evaluated to determine the best opportunity for Navajo Zoo Program. Qualifying Point Criteria:

- i. Company Credentials & qualifications in performing the services sought. 0-20 points
- ii. Resume or other description of experience and knowledge. 0-20 points
- iii. Responsiveness to Scope of Work 0-15 points
- iv. Meeting criteria established for form/format of proposal 0-15 points
- v. List of experience/similar services provided to other clients on Navajo Nation in proportion to requested services for the last five years. 0-10 points
- vi. Delivery of all services at a reasonable cost. 0-20 points

TOTAL POSSIBLE POINTS = 100

P. COMPLIANCE WITH LAWS AND REGULATIONS:

The selected Contractor shall comply with all Federal, Tribal, State, and local laws, regulations and Navajo Nation rules and policies pertaining to work under its charge, and shall, at its expense, procure any permits that may be required.

Q. INDEMINIFICATION:

To the fullest extent permitted by law, or as otherwise defined in the Contract, the Contractor shall indemnify and hold harmless the Navajo Nation and its officials, employees and agents from and against all claims, liens or demands that result in losses, liabilities, defense costs and expenses (including but not limited to attorney's fees and costs of litigation) arising out of the term, conditions and performance under the contract. The Contractor further agrees to indemnify and hold harmless the Navajo Nation, its agents, or employees, against claims or liability arising from or based upon the violation of any federal, state, county, city, or other applicable laws, bylaws, ordinances, or regulations by the Contractor, its agents, associates, or employees. The indemnification provided above shall obligate the Contractor to defend at its own expense or to provide for such defense, at the Navajo Nation's option, of any and all claims of liability and all suits and actions of every name and description that may be brought against the Navajo Nation which may result from the operations and activities under any Contract resulting from this RFP. The award of this Contract to the Offeror shall obligate the Contractor to comply with the foregoing indemnity provision.

II. SCOPE OF WORK GENERAL OVERVIEW

This RFP is seeking a qualified contractor to complete the removal of old 8' chain link fencing around the perimeter of the Navajo Zoo and replace with new 10' fencing. Overall, this project includes the following aspects:

- A. Removal of old, existing chain link fencing and fence posts; and disposal of old fencing and fence posts.
- B. Installation of approximately 2,400 linear ft. of 10' chain link fence (9 gauge) topped with 6-wire barb wire arms along the perimeter of Zoo boundary, except on south boundary;
- C. Installation of two (2) 10'-tall double-swing chain-link entry gates to replace existing vehicle entrance gates at the two Zoo service entrances;
- D. Installation of 10' Curved Spear-top Steel Fence along the approximately 230 ft. south boundary;
- E. Installation of decorative 10' high double-swing Entry Gate at Zoo Main Entrance on south boundary to replace existing single-swing Visitor Entry gate.

OTHER IMPORTANT ASPECTS:

1. All 10' fencing will be installed with bottom 6" buried in ground, except where prevented by bedrock sandstone; all fencing must have structural integrity and form a solid barrier to prevent entry by people or animals.
2. All old chain link fabric and support posts will be disposed of by contractor;
3. Chain link fencing will join solid rock wall in 5 places on south and west boundaries, and will need to be installed in such a way to create a solid barrier allowing no entrance points, as with the remainder of the fence line described above;
4. Removal of old, and installation of new fencing, will need to be done in such a way to allow no entrance points during the construction phase (installation of temporary fencing for night times/ weekends is permissible);
5. Design of the decorative Entry Gate at Zoo Main Entrance will need approved by Zoo Manager prior to installation.

III. SCOPE OF WORK DETAILS

Navajo Zoo Program expects the selected firm to be able to complete all aspects of installing a solid, impenetrable 10' fence system around the Navajo Nation Zoo. This fence is the Zoo's barrier to prevent wildlife and people from entering the Zoo during, or after hours, without permission, and for keeping animals within the grounds in the event of an accidental release. Unless prevented by sandstone bedrock, the fence line will be buried in the ground for the lower 6", and must be 'tied' the existing sandstone walls that form part of the Zoo's exterior boundary on the west side. Where the bottom of the fencing cannot be buried, it will need secured to the sandstone bedrock to prevent animals from entering from underneath. The southern boundary fence and new visitor entry gate will be more decorative in design, and will require Navajo Zoo Manager approval prior to installation. The selected Contractor will be responsible for gathering and hauling away all chain link, posts, and other debris produced under this contract. All fence support posts will need to be placed in concrete and buried to sufficient depth to withstand the strong springtime winds experienced here; following industry

standards for 10' fencing will be necessary for this and throughout the project. The Navajo Nation Zoo Program is providing the necessary environmental and cultural compliances. We expect no need for additional fill dirt or compaction to be needed for this project.

A. REMOVAL OF EXISTING CHAIN LINK FENCING AND FENCE POSTS

The Navajo Zoo's main exterior fence was constructed in 1976, and is showing its age. The original fence is 8' tall chain link topped with 3-wire barb at 45° facing out. Metal fence support posts are held in with concrete footings. This fence will need to be removed in sections during the installation of the new fencing to provide a solid, impenetrable exterior Zoo barrier at all times. Temporary fencing may be installed in areas to provide for no entry of people or animals at night and on weekends. All old fencing material will be hauled away by the contractor after removal.

B. INSTALLATION OF 10' CHAIN LINK FENCE

The design for the new fencing to be installed by the contractor consists of approximately 2,400 ft. of 10' galvanized chain link fencing. Fencing should be at least 9-gauge in thickness, and installed with standard chain link installation guidelines. In addition, where possible, the chain link will be buried 6" in the ground to reduce entry by digging animals. All chain link, even where buried, will contain a 9-gauge bottom wire to provide strength at the lower end. All chain link will be topped with 6 strands of barb wire mounted on 6-wire barb wire arms. Special attention and design will need to be followed at the four places on the west boundary where the chain link fence meets the vertical rock walls. These areas will be needed secured to prevent any openings or holes that could allow people or animals to enter the Zoo; therefore, special attachment to the rock wall may likely be needed. The chain link sections of this project also include two Zoo vehicle entry points on the west boundary in which standard chain link entry gates will need to be installed. The existing width of these gates and openings will remain the same. Much of the Zoo's exterior fence on the east side is on sandstone bedrock; the fence will not be buried 6" in the ground along most of this length. The bottom of the fence must be placed at the ground level, and have bottom wire to maintain strength and integrity. And special attachment to the bedrock may be needed to prevent animals from entering from underneath the fencing.

C. INSTALLATION OF TWO ENTRY GATES

The Zoo has two vehicle entry locations along the west side; the Service Entrance to the north, and Employee Entrance to the south. Both entry locations have swinging-gate style gates and will need to be removed and replaced during the new fence installation. Both will be replaced with 10'-tall double-swing chain-link gates. The width of each opening will need to remain the same to allow for future vehicle access.

D. INSTALLATION OF 10' CURVED SPEAR-TOP STEEL FENCE

The chain link fence along southern boundary of the Zoo will be removed and replaced with 10' curved spear-top steel fencing. The lower 6" of this fence will also be buried in the ground to prevent

animals from digging underneath. Selection of material should be the thickest metal available to provide for the strongest fence line possible. Selection of products will be approved by Zoo Manager prior to purchase of materials and installation. To prevent small animals from entering between the vertical bars of the fence, the contractor will install 6ft. high 16-gauge black welded wire fence with 1 in. x 1 in. openings. This welded wire will be hung on the inside of the steel fencing, sunk 6" in the ground, and secured to the steel fence with wire ties.

E. INSTALLATION OF DECORATIVE 10' HIGH ENTRY GATE AT ZOO MAIN ENTRANCE

The Navajo Zoo currently has an unassuming visitor entrance; the selected contractor will replace the chain link entrance with a more elaborate double gate system. This new entry gate will need to fit an approximate opening size of 16' and consist of two opposing swinging gates. Entry gates will need to be tight fitting and have a manual locking system designed by the manufacturer. Design and selection of products for the new Entry Gate will be approved by Zoo Manager prior to selection of materials and installation.

DESCRIPTION OF SERVICES

The selected contractor shall provide the following services and personnel to:

- Provide/purchase materials, equipment, and labor for the removal and replacement of approximately 2,660 ft of existing 8' chain link fencing along the perimeter of the Navajo Zoo.
- Provide materials, equipment, and labor to install new 10' chain link fencing with throughout much of the Zoo's perimeter, paying particular attention to join the fencing to the existing sandstone rocks. And installing two vehicle entry gates in the same locations as the existing ones;
- Install 10' curved spear-top steel fencing along the southern boundary of the Zoo to replace the existing 8' chain link fence, and install a new visitor entry gate in the same location as the existing one;
- Offeror must be able to demonstrate ability to successfully plan and execute chain link fence installation with competency per industry standards;
- Offeror must commit to completing this project.
- Offeror must have the materials and equipment to install fencings, or be able to obtain necessary materials within the project timeline, and must have the ability to haul away the old fencing material.
- Offeror must be able to complete scope of work within 6-month timeline.

ENVIRONMENTAL COMPLIANCE

All environmental compliances for this project are completed and thus this project should be considered 'shovel-ready'. The Navajo Nation Zoo lies completely within the Tse Bonito Tribal Park, which was withdrawn for Tribal use in 1963. Thus, the land is already designated for Tribal Zoo, Museum, and Parks & Recreation Department usage; there is no need for additional chapter resolutions, other approvals, or public involvement. The Navajo Nation Zoo Program has acquired the necessary Biological Clearance from the Department of Fish and Wildlife for the entire Zoo tract as of 8/1/2017. The Navajo Nation Zoo Program has acquired the necessary Cultural Clearance for any/all projects for the entire Zoo tract as of 7/25/2017. Copies of the Biological and Cultural clearances will be provided to the selected firm to prove appropriate clearances.

PROJECT THINGS TO CONSIDER

For contracting, the selected firm will need to be in good standing with the Navajo Nation. Contractor will need to provide the three bonds required by the Navajo Nation: 1) Bid Bond equal to 10% of the cost proposal submitted; 2) Performance Bond; and 3) Payment Bond. Performance and Payment bonds will both equal to 100% of the total project amount. Offerors should provide evidence of ability to obtain performance and payment bonds within the proposal. Offerors will need to provide Navajo Nation Business Regulatory Certificates, including NBOA Priority Certificate, if applicable; proof of eligibility to do business on the Navajo Nation, either as a foreign entity, or as a Navajo entity; Contractor's License for the work required under this RFP; proof of sufficient insurance, Non-Collusion, Debarment & Suspension form attached to the RFP, and certificate of Good Standing with Navajo Nation Business Regulatory.

Contact David Mikesic, Zoo Manager at 928-871-6573, or dmikesic@navajozoo.org if any questions arise during the RFP process.



Fig.1 Map of Navajo Nation Zoo showing Exterior Fence to be replaced with 10' chain link (yellow), and 10' Curved Spear-top Steel Fence and decorative Main Visitor Entry Gate (red).

NAVAJO NATION CERTIFICATION
Regarding Debarment, Suspension, and
Contracting Eligibility

1. Applicant entity acknowledges that to the best of its knowledge that the Applicant entity, either in its present form or in any identifiable capacity, has not, in accordance with 12 N.N.C. § 361:
 - A. Been convicted of the commission of criminal offenses incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of any such contract or subcontract;
 - B. Been convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offenses indicating a lack of business integrity or honesty, which currently, seriously, and directly affect responsibility as a Navajo Nation contractor;
 - C. Been convicted under antitrust statutes arising out of the submission of bids or proposals;
 - D. Violated contract provisions, including:
 - i. Deliberate failure, without good cause, to perform in accordance with the contract specifications or within the time limit provided in the contract,
 - ii. A recent record of failure to perform or of unsatisfactory performance with the terms of any contract, or
 - iii. Any other cause so serious and compelling as to affect responsibility as a Navajo Nation contractor, including debarment by another governmental entity.
2. Applicant acknowledges that if the Navajo Nation determines that the executed Certification provided herein is untrue or not wholly accurate, it shall be grounds for the Navajo Nation to terminate the contract and pursue other legal remedies, at the Navajo Nation's discretion.
3. Applicant certifies to the best of its knowledge that it is eligible to do business with the

Navajo Nation, in its present form or in any other identifiable capacity, pursuant to 12 N.N.C. § 1501 and 5 N.N.C. § 301. Applicant also acknowledges that per 12 N.N.C. § 1505, it will not be eligible to contract with the Navajo Nation if deemed ineligible by the appropriate department or entity of the Navajo Nation which receives the Applicant's request for consideration for a business opportunity.

Applicant Name

Name of individual signing on Applicant's behalf (print)

Applicant Address

Title of individual signing on Applicant's behalf

Applicant Address

Signature of individual signing on Applicant's behalf

Applicant Address

Date

Request for Taxpayer Identification Number and Certification

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

▶ Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 3.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes. <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____ Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner. <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	5 Address (number, street, and apt. or suite no.) See instructions.	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

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

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number	
[][] - [][] - [][][][][][]	
or	
Employer identification number	
[][][] - [][][][][][][][]	

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); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

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

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

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

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.