

Appendix B

State and City Business Licenses

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STATE BUSINESS LICENSE(S)

CERTIFICATION FOR ALASKA BUSINESS LICENSES/REGISTRATIONS

Contractor and all Subcontractors must comply with the following applicable requirements of Alaska Statutes at time of Award:

1. Alaska Business License (Form 08-070 issued under AS 43.70) issued prior to submittal of proposals as required by AS 36.30.210(e) for Contractor; and not later than five (5) days after a Notice of Intent to Award as required by AS 36.30.210(a) and AS 36.30.250(a) for all Subcontractors.
2. Certificate of Registration (Form 08-2407) as required by AS 08.18.011 for Construction Contractors, including General Contractors, Specialty Contractors (AS 08.18.024), Residential Contractors (AS 08.18.025), Electrical Contractors (AS 08.18.026), and Mechanical Contractors (AS 08.18.028).
3. Certificate of Registration for each individual to be in "responsible charge" (AS 08.48.341(14)) for Architecture, Engineering or Land Surveying (Form 08-2407 issued under AS 08.48.21 1) issued prior to submittal of proposal. Associates, consultants, specialists under the supervision of a registered individual in "responsible charge" are exempt from registration requirements (AS 08.48.331).
4. Certificate of Authorization for Corporate Practice for incorporated Contractors and incorporated Subcontractors for architecture, Engineering or Land Surveying (Form 08-2407 issued under AS 08.48.241). Corporations offering to provide Architectural, Engineering or Land Surveying services do not need to be registered for such disciplines at the time proposal is submitted provided they obtain corporate registration before contract award (AS 08.48.241).
5. Certificate of Incorporation (Alaska firms) or Certification of Authorization for Foreign Firm ("Out of State" firms). All corporations, regardless of the type of services provided, must have one of the certificates (AS 10.06.218 and other sections of Title 10.06 - Alaska Corporations Code).
6. Current Board of Director's Resolution for incorporated Contractors and incorporated Subcontractors for Architecture, Engineering or Land Surveying (reference AS 08.48.241) which names the person(s) designated in "responsible charge" for each discipline. Such persons shall be licensed in Alaska and shall participate as project staff in the Contract / Subcontracts.
7. All partners in a Partnership to provide Architectural, Engineering, or Land Surveying must be legally registered in Alaska prior to submittal of proposal for at least one of those disciplines (AS 08.48.251) which the Partnership offers.
8. Partnerships and Joint-Ventures, regardless of type of services provided, must be licensed/registered in the legal name of the Partnership or Joint Venture as used in this proposal (AS 43.70.020 and 43.70.110(4)).

CERTIFICATION - COST AND PRICING DATA

In accordance with AS 36.30.400, any cost and pricing data submitted herewith, or in any future price proposals for the proposed contract will be accurate, complete, and current as of the date submitted and will continue to be accurate and complete during the performance of the contract, if awarded.

COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Contracting Agency the right to annul the contract, or, at its discretion, to deduct from the contract price the amount of such commission, percentage, brokerage, or contingent fee. This warranty shall not apply to commissions payable by the Contractor upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business.

CITY BUSINESS LICENSE

WHITTIER MUNICIPAL CODE, CHAPTER 3.08, ARTICLE IV. BUSINESS LICENSE

3.08.150 Business license required.

All sellers shall file with the city an application for a business license on a form provided by the city, prior to commencing business, or the opening of an additional place of business. Each business shall be licensed under the advertised name of the business, and each separate place of business shall be licensed under its own separate account. The application shall include the name, position held and address of each person within the business with authority to draw on the funds of the seller and shall contain additional data as the sales tax administrator may require.

3.08.160 License issuance—Display required—Compliance agreement—Bond requirements.

A. Upon receipt of a properly executed application indicating that all returns required to have been filed pursuant to this chapter by the applicant as seller or agent of any seller have been filed, and that all sales taxes required to have been remitted to the city have been paid, the sales tax administrator will issue a business license for the fee of \$25.00. This license shall state the physical and mailing address of the place of business to which it is applicable, the applicable city and State of Alaska business license number and shall authorize the seller to collect the tax.

B. The certificate must be prominently displayed at the place of business named in the certificate. A seller who has no regular place of business shall attach such license to his/her stand, truck or other merchandising device.

C. Where the application or city records indicate that applicant is currently in violation of filing and remittance requirements of the city sales tax provisions, the sales tax administrator may deny the application for a business license until such time as applicant enters a binding agreement setting out a method by which full compliance will be attained.

D. Before issuing a business license to a business that was delinquent in the payment or filing of a return two or more times during the preceding calendar year, the sales tax administrator may require an applicant to post a cash or other bond with the city in an amount sufficient to insure the full and prompt collection and payment of sales taxes during the next four quarters. The bond is forfeited upon the failure to timely file one sales tax return or to timely make full payment of taxes collected; however, the forfeiture of the bond does not discharge the obligation of the seller to pay the taxes due to the city and the city reserves the right to collect any and all delinquent amounts, interest and penalties owed by the applicant.

E. Upon payment of the fee of \$10.00, the sales tax administrator will issue a duplicate business license to any seller whose license has been lost or destroyed.

3.08.170 Business license nonassignable—Surrender requirements—Successor seller.

The business license is nonassignable and nontransferable and must be surrendered to the sales tax administrator by the seller to whom it was issued upon his ceasing to do business within the city. If there is a change in the form of organization such as from a single proprietorship to a partnership or a corporation, the admission or withdrawal of a general partner, or a change in seller's agent for service, the seller making such change shall surrender his old license to the sales tax

administrator for cancellation. The successor seller shall file a new application for a business license. Upon receipt of such application, properly executed, as provided in this chapter, a new business license will be issued to such successor seller.

3.08.180 Business license index.

The sales tax administrator or his/her designee shall maintain in a public place within the city administration building a current index alphabetized by name of business and name of owner, updated not less than monthly, of all current business licenses for public inspection. Applications for a business license are public records available for public inspection.

3.08.360 Failure to obtain business license—Civil penalty—Other remedies.

A. A seller who fails to obtain a business license as required by this chapter, after notice in writing of the obligation to get a business license has been delivered personally or by regular mail to the seller, the seller's place of business, or the last known address of the seller is subject to a civil penalty not to exceed \$1,000.00, in addition to any taxes, penalties and interest owing pursuant to this chapter, plus costs and actual attorney fees incurred by the city in the collection of the civil penalty assessed against the seller.

B. The city may pursue any other civil or criminal remedies against a seller who fails to obtain a business license required by this chapter, including injunctive relief.

3.08.390 Misuse of business license.

No person may conduct business within the city under a business license issued to a different person.