Standard Municipal Home Rule Affidavit of Exempt Sale

This form is provided by home rule municipalities within the State of Colorado to record supporting information for any transaction on which an exemption from tax is claimed. The form is maintained by the seller for tax-exempt sales.

Furnish this form to the seller. Do not return this form to the taxing jurisdiction.

Purchase Details

☐ **Purchase for resale - or -** ☐ **Purchase for wholesale (Qualifications may vary by jurisdiction – see instructions)**

State license number (not FEIN number):_____ Expiration_____

Local license number (if applicable):_____ Issuing municipality:_____

☐ I affirm items purchased are for resale/wholesale in the ordinary course of business. Initial_____

☐ **Purchase by charitable organization (Exemptions may vary by jurisdiction – see instructions)**

State tax-exempt number (not FEIN number):_____

Local tax-exempt number (if applicable):_____ Issuing municipality:_____

Payment information (required to meet one of the following):

☐ Paid by cash and accompanied by a purchase order from the organization

☐ Paid by check drawn on funds of the exempt organization

☐ Paid by purchasing card bearing information of the exempt organization

The embossed name of the card is:_____

☐ Paid by commercial card not a personal credit card - card's last four digits:_____

☐ **Purchase for federal, state, or local government**

Credit card number (first six and last four only: _____-_____XX-XXXX-_____

Federal government (payment information – required to meet one of the following):

☐ GSA SmartPay2 card – fleet card with picture of a road and flag

☐ GSA SmartPay2 card – purchase card with picture of a keyboard and flag

☐ GSA SmartPay2 card – travel card with picture of an airplane and flag

☐ GSA SmartPay2 card – integrated card with picture of an eagle and flag

☐ Dept of Interior agency issued card – agency name_____

State and local government (payment information – required to meet one of the following):

☐ Paid by cash and accompanied by purchase order issued by the government agency

☐ Paid by check issued by and drawn on funds from the government agency

☐ Paid by government purchase card as designated on the card

State tax-exempt number printed on the card (Colorado only):_____

☐ Check if the card states "for official state use only" or "tax exempt"

☐ **Purchase for foreign and diplomatic exemptions (required to meet the following):**

☐ Purchaser presents a state department issued card with the name/photo of the bearer on the card.
If presented with this card, documentation of form of payment is not required (excluding mission card).

☐ **Other qualified exemption**

Nature of exemption:_____ Exempt number:_____

Purchaser Information

Legal Name of Company/Organization/Agency Name		**Purchaser Name (Printed)**	
Address	**City**	**State**	**Zip + 4**
Phone	**Government Issued ID #**	**Description of Normal Course of Business**	

Under penalty of perjury, I swear or affirm that the information on this form is true and correct as to every material matter. I affirm that the items purchased tax-exempt will be used for official business of the above-named organization or agency. I accept that I remain directly liable for the taxes and any applicable penalty or interest if my purchase is found to not qualify for the exemption or if the information asserted in this form is deemed fraudulent.

Signature	**Date**

Seller Verification

Seller Name	**Location #**	**Date**	**Transaction ID**	**Employee ID# / Initials**
Description of Items Purchased or Attach Duplicate Receipt/Invoice			**Exempted Amount of Purchase**	

Instructions for Standard Municipal Home Rule Affidavit of Exempt Sale

These instructions are specific to the jurisdiction in which this purchase has been made. Qualifying for an exemption may be different for each jurisdiction, and these instructions are not intended to set forth the requirements of any jurisdiction other than the one indicated.

General Instructions

Purpose of Form

This form is used to certify to sellers that a purchase qualifies for exemption under BRC Section 3-2-6 and 3-2-7.

For Sellers, accepting and keeping this document helps you obtain correct information about the purchaser, which helps you prove this is an exempt sale during a tax audit.

For Purchasers, completing this document and giving it to seller helps to speed up your purchase process.

Reminders

Furnish to seller. This form should be furnished to the seller charging the tax. Do not send this form to the taxing jurisdiction. This form is not for organizations to request certification of their tax-exempt status.

Direct payment required. Purchases must be billed to and paid directly by the funds of the organization or agency in order to qualify for exemption. Payment in cash (without a purchase order) or by personal check or personal credit card disqualifies a purchase from exemption even if the purchaser is subsequently reimbursed. Purchases made on credit cards issued by the organization, but where the cardholder receives and pays the bill and is subsequently reimbursed, also do not qualify for exemption.

Reimbursement disqualifies exemption. If the organization or agency will be reimbursed, in whole or in part, the purchase is disqualified from exemption. For example, the purchase of food for a banquet for which the organization sells tickets as a fundraiser would not qualify for exemption.

Disputed tax must be collected. If there is a dispute between the purchaser and the seller as to whether tax applies, BRC 3-17-14(b) **requires** the seller to collect the tax. The seller must give the purchaser a receipt showing the tax collected. The purchaser may apply to the applicable municipality directly for a refund by filing a *Claim for Refund* form along with the appropriate documentation within 60 days of the date of the purchase.

Signature required. The individual making the purchase must sign and date the form at the bottom. A separate affidavit may be required for each transaction. General purchaser or store information may be completed in advance and kept on file by the seller or purchaser for ease of use.

Purchaser Instructions

Purchase details. Identify the accurate qualified exemption reason and complete the required information for that exemption.

Purchaser information. Print the legal name of the organization or agency. Governmental agencies should include both the name of the government and the department or agency, for example, US Department of Transportation, Colorado Department of Education, or Adams County Human Services. Abbreviations such as "Dept." are acceptable but do not use acronyms. List the organization's or agency's mailing address, municipality, state, and zip code.

Expedite purchase. Purchase details and purchaser information may be completed in advance and the partially completed form kept on file by the purchaser for completion at time of each transaction.

Declaration of affiant. The individual making the purchase on behalf of the exempt organization or agency (the affiant) must complete the declaration.

Signature. You are swearing, under penalty of perjury, to the accuracy of the statements made in this affidavit. Carefully read and ensure that you understand each item before signing this affidavit. After reviewing the form for accuracy, sign and date the form. Furnish this form to the seller. Do not send a copy to the municipality.

Seller Instructions

Sellers have the burden of proving that a transaction was properly exempted. If an exemption is subsequently disallowed by the municipality, you (the seller) could be liable for the tax plus penalties and interest. This form is provided to help you determine if a sale qualifies for exemption. The sale is not exempt from taxes simply because this affidavit is completed. The responsibility for proper collection of taxes remains with the seller. You are encouraged to obtain this form for each transaction and complete all of the information in the lower *Seller Verification* section.

Resale/Wholesale transactions. To qualify as an exempt purchase for resale or wholesale, the items purchased must be reasonably deemed to be for sale in the ordinary course of business of the purchaser. For resale/wholesale transactions the seller is required to not only collect the applicable license information, but to exercise sound judgment and a reasonable amount of skepticism to ensure the items purchased are reasonable for sale in the purchaser's ordinary course of business. For example, a restaurant would not be allowed to purchase dish soap for resale because restaurants do not sell dish soap in the ordinary course of business, but rather use the dish soap in the operation of the business.

The affidavit needs to be completed in its entirety. Be sure information is complete, accurate and legible. Review the information, and particularly verify that the driver's license number and purchaser's name are correct. Also, be sure that the digits that are required from the credit cards are correct. Only record and keep those digits from the credit card that the affidavit requires. The signature of the purchaser should be the same as on the driver license.

Sellers should review guidance on accepting government credit cards. Not all cards qualify for exemption, even though they bear certain of the listed characteristics.

Collection of this form does not provide a safe-harbor from disallowance by the municipality. Retain this form for at least 3 years.

City of Boulder Specific Instructions

Wholesale/Resale Transactions – The seller must obtain a copy of the purchaser's valid business license. The seller must exercise sound judgment to ensure the product purchased at wholesale is of a type normally resold, leased, rented or incorporated as a necessary and recognizable ingredient or components part of a product manufactured by the buyer and then resold in the purchaser normal course of business.

Charitable Organizations – To make purchases that are exempt from City of Boulder tax, charitable organizations must obtain a City of Boulder exempt license. A copy of the exempt license must be provided to the seller. It is highly recommended that the seller retains a copy of the exempt license with this completed affidavit.

Construction Materials – The City of Boulder provides an exemption for contractors the purchase materials for jobs where a building permit has been issued and a local use tax has been paid at the time of the permit application. The seller must maintain a copy of the building permit with this completed affidavit.

City of Boulder Website.
Please visit www.bouldercolorado.gov/tax-license/sales-and-use-tax for all tax Regulations, BRC and other resources. For assistance contact the sales tax Division at 303-441-3050 or salestax@bouldercolorado.gov.

Additional Information. For additional information about the form please review a short video created by the Colorado Municipal League at: https://youtu.be/mnpIbX1IlgU