



WESTMINSTER

# Request for Direct Payment Permit Public Improvements Construction

City of Westminster  
Department of Finance  
Sales Tax Division

Please Type or Print Clearly

1) Project Location (Subdivision or property as described in agreement title):

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2) Owner/Developer:

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3) Agreement covered under this request (submit copies):

Public Improvements Agreement dated: \_\_\_\_\_

### Primary Contractor (Taxpayer):

4) Legal Name of Primary Contractor (Last, First if individual/sole proprietor):			E-mail Address:		
5) Trade Name of Primary Contractor (if any):		6) Contact Person:		7) Phone Number:	
8) Street Address of Principal Offices (No PO Boxes):			12) Mailing Address (if different from Street Address):		
9) City:	10) State:	11) Zip:	13) City:	14) State:	15) Zip:

16) Actual Cost Method Request (do not complete lines 17 through 19).

\_\_\_\_\_ Taxpayer requests permission to make monthly returns of the use tax due on the actual cost of materials pursuant to W.M.C. §  
(initials) 4-2-9(A)(1)(b). Taxpayer understands that such returns must include the cost of materials used by Taxpayer and any of its sub-  
contractors, including materials furnished by the owner. **NOTE: This method will not result in a lower tax liability.**

<b>Computation of Estimated Pre-payment Due</b>	17) Enter the "Cost of Improvements" as listed in the above-referenced <b>Public Improvements Agreement</b> (excluding surety):	
	18) Estimated Taxable Costs (50% of line 17):	
	19) Estimated Use Tax Pre-Payment Due (3.85% of line 18): <b>This amount must be paid prior to receiving a Notice to Proceed</b>	

### TAKE NOTICE OF THE FOLLOWING

1. This form must be completed by the Primary Contractor (Taxpayer) before a 'Notice to Proceed' will be issued.
2. Taxpayers electing the Estimated Pre-Payment method (most common) must remit the amount computed on line 19 with this form. Make the check or money order payable to the City of Westminster.
3. Include copies of the agreements referenced on line 3 above with this form.
4. Deficiency assessments and refunds will only be issued to the primary contractor regardless of which party actually paid the estimated pre-payment. Taxpayers may not avoid assessment by virtue of their contract with the owner/developer.
5. The estimated pre-payment does not cover use taxes due on construction equipment.

<b>Taxpayer Signature</b>	Under penalty of perjury, I declare that I have examined this <i>Request for Direct Payment Permit</i> and that the same is true and correct to the best of my knowledge and belief.		
	Signature		Date
	Printed Name	Title	Phone No.

**Return form with payment to:** Westminster Department of Finance ■ Sales Tax Division ■ 4800 W 92nd Avenue ■ Westminster, CO 80031  
(303) 658-2065 ■ Fax: (303) 706-3923 ■ <http://www.cityofwestminster.us>

# Instructions for Request for Direct Payment Permit

## General Instructions

### Purpose of Form

This form is used for taxpayers to request a permit for the direct payment of use taxes due on construction materials used in making public improvements. Public improvements agreements are made pursuant to Chapter 6, Title XI of the *Westminster Municipal Code* ("Code"). Payment of taxes on construction materials is generally provided under § 4-2-9 of the Code. This form must be submitted before a Notice to Proceed will be issued by the City.

### Reminders

**Primary contractor is liable for use tax.** Pursuant to § 4-2-9 of the Code, the primary contractor is liable for use tax upon all construction materials used. This includes materials used by sub-contractors or furnished by the property owner, purchased from sources inside or outside the City. The primary contractor must complete this form.

**Present Direct Payment Permit when making purchases.** Contractors must present a copy of the *Direct Payment Permit* when purchasing materials to avoid payment of municipal sales or use taxes. Contractors may not take credit against Westminster use taxes for taxes paid to other jurisdictions or for Westminster sales taxes improperly collected by licensed retailers.

**Final reconciliation required.** At the conclusion of the project, taxpayers electing the estimated pre-payment method (most common) must reconcile the actual cost of all materials used with the estimated taxable costs computed on line 19. If the actual cost exceeds the estimated cost, a *Project Cost Report* must be filed, and additional taxes must be remitted, within 30 days of written acceptance by the City. Late returns are subject to penalties and interest.

**Only primary contractor may request refund.** If the estimated cost of materials exceeds the actual cost, the primary contractor (taxpayer) may request a refund by filing a *Project Cost Report* within 36 months of written acceptance by the City. Only the taxpayer may obtain a refund, even if the owner/developer actually paid the estimated pre-payment, despite any contractual provisions to the contrary.

**Construction Equipment Declaration required.** The primary contractor and each sub-contractor will be required to declare any construction equipment used on the project. The use tax due on such equipment is not covered under the estimated pre-payment remitted with this request.

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## Specific Instructions

**Lines 1 – Project Location.** Enter the general location of the project as it may be described in the public improvements agreement. For example, list the major cross streets, subdivision, property name, or development name.

**Line 2 – Owner/Developer.** Enter the legal name of the owner/developer who is a party to the public improvements agreement. If more than one owner/developer is a party to the agreement, enter the first party listed in the agreement.

**Line 3 – Agreement Date.** Enter the date of the public improvements agreements covered under this request. Submit copies of the agreement with this form.

**Lines 4 thru 15 – Taxpayer Information.** Enter the legal name, the trade name (d/b/a, if any), the street address, the name and phone number of the tax contact person, and the mailing address of the primary contractor (the taxpayer).



*Do not list the owner/developer as the taxpayer, unless the owner/developer is also the primary contractor, even if the owner/developer will be remitting the amount computed on line 19 on behalf of the primary contractor.*

**Line 16 – Actual Cost Method Request.** The Code permits taxpayers to obtain a separate account for each project and make monthly returns of the use tax due in lieu of making the estimated pre-payment. Taxpayers requesting permission to elect the so-called "actual cost method" should initial this line 16, sign the request, and return it without payment. Do not complete lines 17 through 19 if requesting the "actual cost method". If approved, the taxpayer will be issued a project-specific account number to report taxes due.



*Because the estimated pre-payment method requires a reconciliation of the actual cost of materials at the conclusion of the project, the actual cost method will not result in a lower tax liability. Taxpayers electing the actual cost method must compute the actual cost of materials (and in doing so, obtain cost reports from sub-contractors) on a monthly basis as opposed to filing one return at the project's conclusion. Returns must be filed for the entire duration of the project (through written acceptance by the City) even if no taxes are due. Late returns (or returns which do not fully report the actual cost of materials used during the period covered) are subject to penalties and interest. All projects are subject to audit by the City.*

**Line 17 – Total Cost of Public Improvements.** Enter the estimated total cost of improvements listed in the public improvements agreement referenced on line 3 above.

**Line 18 – Estimated Taxable Costs.** Multiply the total on line 17 by 50% (0.50) and enter the product on this line 18. This is the estimated cost of materials used for this project.



*This amount is an estimate based upon the costs listed in the applicable agreement. Taxpayers are required to reconcile this amount with the actual cost of materials, including materials used by sub-contractors and materials furnished by the owner, at the conclusion of the project. If the actual final cost of materials exceeds this estimate, additional use tax will be due within 30 days of written acceptance by the City. If the actual final cost is less than this estimate, the taxpayer is entitled to a refund of the difference.*

**Line 19 – Estimated Use Tax Pre-Payment.** Multiply the amount on line 18 by the City use tax rate of 3.85% (0.0385) and enter the product on this line 19. This is the pre-payment amount. This amount must be remitted with this request. A direct payment permit will not be issued if this amount is not remitted, or if this amount is not correctly calculated based upon the costs in the applicable agreement. Make the check or money order payable to the City of Westminster.

**Signature** – After reviewing the form for accuracy, sign and date the form. Print your name and title below your signature. Return this form along with a copy of the agreement and the pre-payment (if applicable) to the *Sales Tax Division*.

**Allow 3 business days for processing.**

*Delivering exceptional value and quality of life*

Visit our website:

<http://www.cityofwestminster.us>

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