



# SBA Procedural Notice

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**TO:** All SBA Employees, Surety Companies

**CONTROL NO.:** 5000-19018

**SUBJECT:** Revised Procedures for Fingerprint  
Background Checks for SBA Surety Bond  
Guarantee Program

**EFFECTIVE:** 09/18/2019

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The purpose of this Notice is to inform SBA employees and Surety Companies and their Agents of a change in the procedure for character evaluations to determine the eligibility of Subject Individuals when a Federal Bureau of Investigation (FBI) fingerprint background check is required in connection with a Surety Bond Guarantee application. Note that only the procedure for submission of an FBI fingerprint background check is changing; the criteria to determine whether an FBI fingerprint background check, as well as the documentation required from the Subject Individual, remain unchanged.

The procedure set forth in this Notice applies to all SBA Surety Bond Guarantee applications and will control over any conflicting provisions in Standard Operating Procedure (SOP) 50 45 3. To allow for a reasonable transition, Surety Companies and their Agents will have 30 days from the effective date of this Notice to complete submissions already in progress under the existing procedure in SOP 50 45 3. However, new submissions generated on or after the effective date of this Notice must follow the procedure set forth below. SBA will continue to review this process over the coming months and will incorporate the revised procedure in the next SOP 50 45 update after determining whether additional changes are needed.

As discussed more fully below, in order to reduce paperwork and costs, and to improve the security of personally identifiable information (PII), all requests for FBI fingerprint background checks in connection with Surety Bond Guarantee applications will **only be accepted electronically**.

The fingerprint procedures currently provided in SOP 50 45 3, Chapter 7, Paragraph 7.2 “Underwriting Guidelines for the Surety Bond Guarantee (SBG) Program” are revised as follows:

1. Paragraph c.8. is revised as follows:

8. If a Subject Individual answers “yes” to questions 8 or 9, then that individual must go through a background check and character determination unless the charge resulting in a “yes” answer was a single misdemeanor that was subsequently dropped without prosecution or the answers meet the criteria in paragraph 10(a)(i). Documentation from the appropriate court or prosecutor’s office must be attached to the SBA Form 912 and maintained in the

Surety/agent file. If the individual pled guilty to the charges or to lesser charges, the background check and character determination must be conducted.

SBA will use an FBI-approved, SBA-contracted channeler to conduct fingerprint background checks via electronic fingerprint submission. "Electronic fingerprint submission" means fingerprints taken and reproduced in a machine-readable format by a fingerprint capture system that complies with the FBI's Electronic Biometric Transmission Specifications. The current SBA-contracted channeler for electronic fingerprint submissions to the FBI is Biometrics4ALL.

The channeler will provide expedited fingerprint processing by directing Subject Individuals to approved electronic fingerprinting facilities listed on the channeler's website based on the Subject Individual's location. Depending on the circumstances, the channeler will provide additional locations where hard-copy fingerprints may be taken and will provide the FBI Form FD-258 Fingerprint Card for the Subject Individual to capture the fingerprints, along with instructions for submitting the fingerprint cards to the SBA-contracted channeler for continued processing.

Sureties/agents may not directly submit fingerprint cards associated with a Surety Bond Guarantee application to the Office of Surety Guarantees (OSG) or any other SBA office. All required fingerprints from Subject Individuals associated with a Surety Bond Guarantee application must be submitted through the FBI-approved, SBA-contracted channeler as directed on the channeler's website. The channeler will submit the fingerprints electronically to the FBI and the FBI will provide the results of the background check to the channeler who will, in turn, provide the results to SBA via a secure portal.

(a) Prior Approval Surety Submission to SBA:

The Prior Approval Surety/agent must upload the complete, signed SBA Form 912 Package with the Surety Bond Guarantee application into the Capital Access Financial System.

SBA will notify the Surety/agent if SBA determines, after reviewing all supporting documentation (including any court documents), that a fingerprint background check is required. The Surety/agent will then refer the Subject Individual to the approved channeler's website where the individual must create an account and register. The Subject Individual will complete the fingerprint process by following the directions on the approved channeler's website: <https://www.applicantservices.com/sba>.

At the same time that the Prior Approval Surety/agent refers the Subject Individual to the channeler to complete the fingerprint process, the Prior Approval Surety/agent must send an email to [osg912@sba.gov](mailto:osg912@sba.gov) with the Subject Individual's last name and the surety bond guarantee number in the email subject line. The email must state that the Subject Individual has been referred to the channeler's website to complete the electronic fingerprint submission

process. When SBA receives the results of the FBI fingerprint background check from the channeler, SBA will complete the character determination as set forth in paragraph 10 below.

(b) PSB Surety Submission to SBA:

The PSB Surety/agent must submit the SBA Form 912 along with any supporting documentation (including any court documents) to OSG by email to [osg912@sba.gov](mailto:osg912@sba.gov). The complete SBA Form 912 package, including all supporting documents, must be maintained in the PSB Surety's file.

If a Subject Individual answers "yes" to questions 8 or 9, the PSB Surety/agent **MUST NOT** ISSUE a surety bond with SBA's guarantee until SBA provides the Surety/agent with a written Cleared for Processing notification.

SBA will notify the Surety/agent if SBA determines, after reviewing all supporting documentation (including any court documents), that a fingerprint background check is required. The Surety/agent will then refer the Subject Individual to the approved channeler's website where the individual must create an account and register. The Subject Individual will complete the fingerprint process by following the directions on the approved channeler's website: <https://www.applicantservices.com/sba>.

The channeler will provide expedited fingerprint processing by directing Subject Individuals to approved electronic fingerprinting facilities listed on the channeler's website based on the Subject Individual's location. Depending on the circumstances, the channeler will provide additional locations where hard-copy fingerprints may be taken and will provide the FBI Form FD-258 Fingerprint Card for the Subject Individual to capture the fingerprints, along with instructions for submitting the fingerprint cards to the SBA-contracted channeler for continued processing.

PSB Sureties/agents may not directly submit fingerprint cards associated with a Surety Bond Guarantee application to OSG or any other SBA office. All required fingerprints from Subject Individuals associated with a Surety Bond Guarantee application must be submitted through the FBI-approved, SBA-contracted channeler as directed on the channeler's website. The channeler will submit the fingerprints electronically to the FBI and the FBI will provide the results of the background check to the channeler who will, in turn, provide the results to SBA via a secure portal.

At the same time the PSB Surety/agent refers the Subject Individual to the channeler to complete the fingerprint process, the PSB Surety/agent must send an email to [osg912@sba.gov](mailto:osg912@sba.gov) with the Subject Individual's last name and the surety bond guarantee number in the email subject line. The email must state that the Subject Individual has been referred to the channeler to complete the electronic fingerprint submission process. When SBA receives the results of the FBI fingerprint background check from the channeler, SBA will complete the character determination as set forth in paragraph 10 below.

2. Paragraph 9 is revised by removing paragraphs (b), (c) and (d), and revising paragraph (e) as follows:

(e) If the Subject Individual answers “yes” to questions 8 or 9, the Surety/agent must not make any statement to anyone outside the SBA about action being taken regarding the SBA Form 912 information submitted. Exceptions are only permitted when in compliance with provisions of the Privacy Act (See SOP 40 04).

3. Paragraph 10 is revised by removing paragraphs (a) (iv), and (v). In addition, SBA is revising paragraph (a)(iii) to reflect that SBA no longer submits the SBA Form 912 package to the OIG for a Name Check. SBA is also revising paragraph (b)(i) as follows:

(a)(iii) When the Area Office receives the completed SBA Form 912 package and decides to clear it for processing, it will notify the Surety/agent that the application has been cleared for processing.

(b)(i) The Surety/Agent must follow the procedures for a fingerprint background check described in paragraph 8 above. The processing of the application will remain on hold until the results of the fingerprint background check are received at which time the application will either proceed or be declined.

4. Paragraph 12 is removed in its entirety.

#### **Questions and Notifications:**

Questions regarding specific issues with the FBI-approved, SBA-contracted channeler should be directed to the Contracting Officer Representative, LaShun Johnson at [lashun.johnson@sba.gov](mailto:lashun.johnson@sba.gov).

Questions concerning this Notice should be directed to the Office of Surety Guarantees' Management Analyst, Jermanne Perry at [jermanne.perry@sba.gov](mailto:jermanne.perry@sba.gov).

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Director  
Office of Surety Guarantees