

8(a) APPLICATION CHECKLIST

In order to make screening easier and expedite the review process, please submit the 8(a) application in the order as reflected below. **DO NOT** use tabs, plastic sleeves, dividers, binders, staples, etc; including with prepared financial statements. You may “binder-clip” or “rubber band” everything. Also, please use two-holed paper (centered at the top portrait style).

To learn more about the 8(a) Program, you are encouraged to take the online Suitability Assessment Tool test and review The Most Frequently Asked Questions (FAQs) visiting our web site at <http://www.sba.gov/8abd/> and clicking on “8(a) application” and “FAQs.” You may contact your local SBA District Office regarding potential trainings on the 8(a) Program by clicking here: <http://www.sba.gov/localresources/index.html>

REFERENCES:

Code of Federal Regulations (CFR):
<http://www.gpoaccess.gov/cfr/index.html>
http://www.access.gpo.gov/nara/cfr/waisidx_06/13cfr124_06.html

Standard Operating Procedures (SOP):
http://www.sba.gov/idc/groups/public/documents/sba_program_office/8abd_80_05_3a_searchable.pdf

Federal Acquisition Regulations (FAR):
<https://www.acquisition.gov/FAR/>

Regulations regarding Affiliation can be found at:
http://www.access.gpo.gov/nara/cfr/waisidx_08/13cfr121_08.html

Regulations regarding 8(a) eligibility can be found at:
http://www.access.gpo.gov/nara/cfr/waisidx_08/13cfr124_08.html

Size Standards

- 1) Summary of Size Standards by industry:
<http://www.sba.gov/content/summary-size-standards-industry>
- 2) Are you requesting a Size Determination?
<http://www.sba.gov/content/size-protests-size-determinations-and-appeals>
SBA Form 355 <http://www.sba.gov/about-sba-services/7482>
- 3) Looking for the list of NAICS Codes (North American Industrial Classification System)?
<http://www.census.gov/eos/www/naics/>

DISCLAIMER

The below is not an all-inclusive list of the documents required for submitting an 8(a) application. Once the application package or a response to one of our letters is received, it may lead to future requests for information/documents.

REMINDERS:

- Documents requiring a signature and dates should be dated as close to the time of submission as possible. Please submit originally signed documents, not copies.
- IRS Form 4506-T should not be older than 60 days.
- Interim financials should be no older than 90 days.
- Information on Form 413 should be no older than 30 days.
- Form 1010-IND (Individual) should be completed by each individual identified on SBA's Form 1010 (Business) under Section II – Management and Administration.
- The SBA has a goal to meet the timeline of processing 8(a) applications within 90 days of receipt of a complete application package. Incomplete packages will not be processed.

SECTION I

- Provide evidence of firm's registration in the Central Contractor Registration's Dynamic Small Business Search (DSBS)
 - 1) Go to: www.ccr.gov/
 - 2) Click on "Dynamic Small Business Search"
 - 3) Scroll down the page and find the area that allow you to type in your DUNS or Company Name
 - 4) Scroll to the bottom of that page and click on "Search Using These Criteria"
 - 5) You should see your company's SBA Profile
 - 6) Print the company's SBA Profile and put it in Section I of your 8(a) Application package

SECTION II

- Notarized Authorization/Signature Form
SEE SAMPLE: <https://sba8a.symlicity.com/applicants/certification.pdf>
- Form 1010 (Application for 8(a) Business Development) – All headings must be completed and required supporting documentation attached; noting "N/A" (not applicable) under those headings not applicable. In the field that asks for the SBA DSBS Number, please reflect the firm's DUNS;
- Brief Narrative - Describing the history and description of the business; including any changes in ownership, legal structure, management or changes in the firm's primary business activity;
- Copies of any licenses required to conduct business, including state and local business licenses (as required by law) and other special licenses, such as Contractor's, CPA, professional engineer, etc. (expired licenses are unacceptable);
- Copies of signature cards for all business bank accounts or a letter from the bank indicating who has signature authority and how many signatures are required to transact business as well as any limitations placed on the account;
- Organizational Chart;
- Form 1623 (Certificate Regarding Debarment, Suspension, and other Responsibility Matters); and
- Form 1790 (Representatives Used and Compensation Paid for Services in Connection with Obtaining Federal Contracts) and copies of agreement/contract (if any). Compensation received by any agent or representative of an 8(a) applicant or 8(a) firm for assisting the applicant in obtaining 8(a) certification or for assisting the 8(a) firm in obtaining 8(a) contracts, or any other assistance to support program participation, must be reasonable in light of the service(s) performed by the agent or representative. In assisting 8(a) firms with obtaining one or more 8(a) contracts, an agent or representative cannot receive a fee that is a percentage of the gross contract value.

SECTION III

Limited Liability Companies must provide copies of:

- If operating under an assumed or fictitious business name, i.e., a name other than the legal name of the LLC, provide copies of the Assumed Name Certificate, Fictitious Business name Statement, or DBA filings;
- Articles of Organization and any amendments filed with the state;
- Operating Agreement (if the applicant is established in a state where LLCs have a limited life, the operating agreement must state that the duration of the existence of the LLC is at least nine (9) years). The SBA should receive the original and all amended versions;
- Articles of Conversion (if converting from another business structure);
- Minutes of all Members' meetings for the past two years (or as applicable for length of time in business);
- Any Buy/Sell agreements;
- Any Voting Agreements;
- Certificate of Good Standing (from state firm is organized in); and
- If the firm is not operating in the state of organization, a certificate to operate as a foreign LLC (Certificate of Authority) and a Certificate of Good Standing in the state of operation.

Corporations must provide copies of:

- If operating under an assumed or fictitious business name, i.e., a name other than the legal name of the corporation, provide copies of the Assumed Name Certificate, Fictitious Business name Statement, or DBA filings;
- Articles of Incorporation and any amendments filed with the state;
- Articles of Conversion (if converting from another business structure);
- By-laws, including the original and all amended versions;
- Minutes of all Shareholders' meetings for the past two years; including minutes of annual meetings involving the election of Directors;
- Minutes of Board of Directors' meetings for the past two years; including minutes of annual meetings involving the election of Officers;
- Organizational meeting minutes;
- Any Buy/Sell agreements;
- Any Voting Agreements;
- All Stock certificates (outstanding and cancelled) —signed in accordance with the By-laws). Please include the front and back of the certificates;
- Any Stock option plans and Transfer Agreements;
- The Stock Register/Ledger;
- Certificate of Good Standing (from state firm is organized in); and
- If the firm is not operating in the state of incorporation, a certificate to operate as a foreign corporation (certificate of authority) and Certificate of Good Standing in the state of operation.

Partnerships must provide copies of:

- Partnership Agreement and any amendments;
- If operating under an assumed or fictitious business name, i.e., a name other than the legal name of the individual, provide copies of the Assumed Name Certificate, Fictitious Business name Statement, or DBA filings;
- Any Buy/Sell agreements; and
- Any Voting Agreements.

Sole Proprietorships must also provide copies of:

- If operating under an assumed or fictitious business name, i.e., a name other than the legal name of the individual, provide copies of the Assumed Name Certificate, Fictitious Business name Statement, or DBA filings.

SECTION IV

- Form 1010 (Individual/Personal) - Completed by each individual claiming disadvantaged status, each proprietor, partner, management member, officer, director, and owner of more than 10% stock in the firm. All individuals listed on the Form 1010 (Application – Section II) must complete the Form 1010 (Individual);
- Proof of United States citizenship, if born outside of the US (copy of passport or Certificate of Naturalization), for each applicant claiming disadvantaged status;
- Copy of Tribal Card, if Native American and claiming social & economic disadvantaged status reflecting enrollment in a State or Federally-recognized tribe. If the individual does not meet this requirement, he/she will need to submit a narrative on social disadvantaged status meeting the preponderance of evidence status;
- Resume – Each individual claiming disadvantaged status, each proprietor, partner, management member, officer, director, and owner of more than 10% stock in the firm; must be in chronological order – education, technical training, business and employment experience (with employer's name, dates of employment, type of work, and duties for each position); must reflect all positions held by the individual, and any gaps in dates of employment must be explained. Individual(s) claiming disadvantaged status must submit a letter from most recent employer(s) attesting to last date of employment (if outside employment) and reflected on tax returns
- Form 413 (Personal Financial Statement) – Completed by individual(s) claiming disadvantaged status and a separate form for their spouse(s). For jointly held assets and liabilities in which ownership is held equally by both spouses, ½ half of the value should be listed on each form. Property that is legally in the name of one spouse would be considered wholly that spouse's property, whether or not the couple lives in a community property state. For other shared assets, the value of the percentage of ownership held by each individual should be listed on the person's form. Please provide any pre or post-nuptial agreements if applicable. The SBA will consider a

spouse's financial condition only when the spouse has a role in the business or has lent money to, provided credit support to, or guaranteed a loan of the business.

- a) If you have a tax liability or student loan on the Form 413, please provide a copy of the repayment plan, proof of compliance with the repayment plan (including cancelled checks and recent statements) as verification of compliance.
- b) On the Form 413, please include the value of the business; any loans to the business from you should be reflected under Account Receivables. You should also include any personal assets in Section 5 such as household furniture/goods, computer, jewelry, etc.
- c) Funds invested in an Individual Retirement Account (IRA) or other official retirement account that are unavailable to an individual until retirement age without a significant penalty will not be considered in a determining an individual's net worth. In order to properly assess whether funds invested in a retirement account may be excluded from an individual's net worth, the individual must provide information about the terms and restrictions of the account to SBA and certify that the retirement account is legitimate.

The SBA may presume an individual is not economically disadvantaged if his/her adjusted gross income averaged over three years exceeds \$250,00 for initial entry into the 8(a) Program and \$350,000 for continued eligibility in the program.

The SBA may presume an individual is not economically disadvantaged if the fair market value of all his/her assets exceeds \$4 million for initial entry into the 8(a) Program and \$6 million for continued eligibility in the Program. The SBA will exclude an individual's Retirement Account or other official retirement account as referenced in paragraph (c) above.

Income received from an applicant or 8(a) firm that is an S corporation, Limited Liability Company (LLC) or Partnership will be considered individual income unless documentary evidence is provided that demonstrates that the income was reinvested in the firm or used to pay taxes arising in the normal course of operations of the firm. Losses from S Corporations, LLC or Partnerships, however, are losses to the company only, not losses to the individual, and cannot be used to reduce an individual's income.

- Form 912 (Statement of Personal History) – Completed by each individual claiming disadvantaged status, each proprietor, partner, management member, officer, director, owner of more than 10% stock, or any individual that has signature authority for the business's bank account. If there are reasons to question the participation of an Advisory Board Member or Executive Committee Member, the SBA may also require these individuals to complete a Form 912. Please include detailed explanation for any "yes" answers. This includes date(s), circumstance(s), description of offense(s), fine(s) paid, and a copy of final court disposition, and time served.
- Form FD-258 (Fingerprint Card) – Completed by individual(s) reflecting an arrest record on the Form 912. The card cannot have holes, staples or additional markings and must be completed in **black** ink. You may obtain this card from your local SBA District Office or the SBA Division of Program Certification & Eligibility (DPCE). You may locate your nearest SBA District Office by going to: <http://www.sba.gov/localresources/index.html>
- Form 4506-T (Request for Transcript of Tax Return) – Completed by each Individual claiming disadvantaged status, each proprietor, partner, management member, officer, director, and owner of more than 10% stock in the firm. If an individual listed above is married and filing separately, his/her spouse must also provide copies of complete tax returns for the same period as well as a Form 4506-T. Please note: There is no fee required for processing this form. Please complete only blocks 6, 6a and block 9. Please note that any incorrect information will be rejected by the Internal Revenue Service.
- Federal Tax Returns – Personal Returns filed for three years preceding the date of application and must include all W-2 forms, 1099, schedules and other attachments. Must also include proof of taxes paid for each year (copy of cancelled check). Tax Returns must be submitted by each individual claiming disadvantaged status, each proprietor, partner, management member, officer, director, and owner of more than 10% stock in the firm. If an individual listed above is married and filing separately, his/her spouse must also provide copies of complete tax returns for the same period. If a Sole Proprietorship, include the owner's Schedule C.
- Trust – (if applicable) A copy of the trust agreement; must specify whether or not the trust is revocable and identify the grantor(s), trustee(s), and current beneficiary(ies); include asset(s) owned by the trust and its value(s);

- Letter of no objection – if any sole proprietor, partner, management member, officer, director, or holder or more than 10 percent ownership in the firm, or a household member, is an employee of the Federal government holding a position of GS-13 or above must submit a letter of no objection from his/her employer.

- a) The Federal Acquisition Regulations (FAR) do not allow a contracting officer to award a Federal Contract to any business that is substantially owned, controlled or managed by a Federal employee.

SECTION V

- Business Financial Statements – Last three (3) fiscal year-end balance sheets and income statements as well as interim financial statement (no older than 90 days prior to the submission of the application), including a balance sheet and income statement with an aging of accounts receivable and accounts payable. Financial statements must be prepared in accordance with Standard Accounting Principles and extraordinary items must be explained.
- Federal Tax Returns - Business Returns filed for three (3) years preceding the date of application and must include all forms, schedules and other attachments; including proof of taxes paid for each year (copy of cancelled check).
- Form 4506-T (Request for Transcript of Tax Return) – Completed for the firm and reflecting a three-year tax period. Please include 4506-T for affiliated firms. Please note: There is no fee required for processing this form. Please complete only blocks 6, 6a and block 9. Please note that any incorrect information will be rejected by the Internal Revenue Service.
- Bonding – (For construction firms) a statement of single and aggregate bonding limit from the firm's surety, if applicable;
- Copies of all business loan agreement(s) and lines of credit, including shareholder, officer, or partner loans and/or inter-company loans; and
- Two Year Rule – If the business has not generated revenues for the preceding two years, as verified by revenues reported on business tax returns, you will need to request the Two-Year Waiver.
 - a) If the firm has not generated revenue, **you will be unable to waive the two year rule.**
 - b) Firm must include letters of reference, to verify successful contract performance, for recent work performed by the applicant firm (Letters of reference must be on client's letterhead and include contact name and telephone number).
 - c) Firm must include deposit records or bank statements verifying payment of invoices.

An applicant may request the AA/BD to reconsider his/her initial decline by filing a request for reconsideration with the SBA. The applicant may submit a revised electronic application or submit its request for reconsideration to the SBA DPCE unit that originally processed its application by personal delivery, first class mail, or commercial delivery service. The applicant must submit its request for reconsideration within 45 days of its receipt of written notice that its application was declined. The applicant must provide any additional information and documentation pertinent to overcoming the reason(s) for the initial decline, whether or not available at the time of initial application, including information and documentation regarding changed circumstances.

The SBA's AA/BD will issue a written decision. The AA/BD may approve the application, deny it on the same grounds as the original decision, or deny it on other grounds. If denied, the AA/BD will explain why the applicant is not eligible for admission into the 8(a) Program or give specific reasons for the decline.

THE FOLLOWING IS REQUIRED OF 8(a) APPLICANT FIRMS AND AFFILIATES (IF ANY)

Limited Liability Companies must provide copies of:

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- Articles of Organization and any amendments filed with the state;
- Operating Agreement (if the applicant is established in a state where LLCs have a limited life, the operating agreement must state that the duration of the existence of the LLC is at least nine (9) years). The SBA should receive the original and all amended versions;
- Articles of Conversion (if converting from another business structure);
- Minutes of all Members' meetings for the past two years (or as applicable for length of time in business);
- Any Buy/Sell agreements;
- Any Voting Agreements;
- Certificate of Good Standing (from state firm is organized in); and
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- By-laws, including the original and all amended versions;
- Minutes of all Shareholders' meetings for the past two years; including minutes of annual meetings involving the election of Directors;
- Minutes of Board of Directors' meetings for the past two years; including minutes of annual meetings involving the election of Officers;
- Organizational meeting minutes;
- Any Buy/Sell agreements;
- Any Voting Agreements;
- All Stock certificates (outstanding and cancelled) —signed in accordance with the By-laws). Please include the front and back of the certificates;
- Any Stock option plans and Transfer Agreements;
- The Stock Register/Ledger;
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- Any Voting Agreements.

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All Affiliates must also include the below forms/information for the firm:

- SBA Form 355 (prepared by disadvantaged applicant(s));
- Tax returns showing the affiliate's receipts for the past three fiscal years and/or The number of employees on the most recent company payroll records; and

