

Tribally Owned Business (Concern)

Checklist

SECTION I

- ☐ SBA Form 1010 and SBA Form 1010-IND
- ☐ Evidence of firm's registration in the Central Contractor Registration's Dynamic Small Business Search (DSBS)
- ☐ Notarized Authorization/Signature Form
- ☐ Brief business description and history narrative, which includes any changes in ownership, legal structure, management or primary business activity
- ☐ Organizational chart
- ☐ Copies of the current lease agreements or proof of ownership for all business facilities
- ☐ Copies of all current special licenses, such as contractor's, CPA, professional engineer, etc.
- ☐ 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
- ☐ Copies of all current business licenses required to conduct business, including state and local business licenses (as required by law)
- ☐ A certificate or schedule of current business insurance, including general liability and worker's compensation coverage
- ☐ Copy of franchise agreement, if applicable
- ☐ Copies of all management, joint venture and indemnity agreements
- ☐ Copies of all current administrative services or shared services agreements
- ☐ SBA Form 1623 (Certification Regarding Debarment, Suspension, and Other Responsibility Matters)
- ☐ SBA Form 1790 (Representatives Used and Compensation Paid for Services in Connection with Obtaining Federal Contracts) and copies of agreement/contract (if any)
- ☐ A list of current and past contracts within the last two years, including the award date, client name, dollar value, and a description of work for each contract.

SECTION II

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 all amendments filed with the state
- ☐ Operating Agreement, including the original and all amendments
- ☐ 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)
- ☐ Minutes or resolutions verifying the appointment of the current principals, such as management committee members, managers, general managers, etc. as appropriate
- ☐ Minutes or resolution verifying the firm is authorized to seek 8a status
- ☐ Any Buy/Sell agreements
- ☐ Purchase Agreements, if applicable. Documentation should include how the purchase price was derived (formula) and evidence of payment.
- ☐ Any Voting Agreements
- ☐ Current Certificate of Good Standing (from state firm is organized in)
- ☐ If the firm is outside of its state of organization, evidence of foreign status recognition and 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 all amendments filed with the state

- ☐ Articles of Conversion (if converting from another business structure)
- ☐ By-laws, including the original and all amendments
- ☐ 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
- ☐ Minutes or resolution verifying the firm is authorized to seek 8a status
- ☐ Organizational meeting minutes
- ☐ Any Buy/Sell agreements
- ☐ Purchase Agreements, if applicable. Documentation should include how the purchase price was derived (formula) and evidence of payment.
- ☐ Any Voting Agreements
- ☐ The front and back of all stock certificates (outstanding, transferred and cancelled)
- ☐ Any Stock Option Plans and Transfer Agreements
- ☐ The Stock Register/Ledger which accounts for the issuance, transfer and/or cancelation of all stock certificates;
- ☐ Current Certificate of Good Standing (from state the firm is organized in).
- ☐ If the firm is outside of its state of organization, evidence of foreign status recognition and good standing in the state of operation.

Partnerships must 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
- ☐ Partnership Agreement and all amendments
- ☐ Any Buy/Sell Agreements
- ☐ Purchase Agreements, if applicable. Documentation should include how the purchase price was derived (formula) and evidence of payment.
- ☐ Any Voting Agreements

SECTION III

For the tribe, copies of the following:

- ☐ Evidence that the tribe is economically disadvantaged. Please include the following:
 - The number of tribal members.
 - The present tribal unemployment rate.
 - The per capita income of tribal members, excluding judgment awards.
 - The percentage of the local Indian population below the poverty level.
 - The tribe's access to capital markets.
 Thereafter, it need not reestablish such status in order to have other businesses that it owns certified for 8(a) BD program participation.
- ☐ The tribe's assets as disclosed in the current tribal financial statement, including those which are encumbered or held in trust; the status of assets encumbered or in trust must be clearly delineated.
- ☐ A list of all companies in which the tribe has ownership. Please include the name of company; percentage of ownership by tribe; clarification of whether it is a current or previous 8(a) participant; identification of the individuals who manage and control it by serving as officers, directors, managers, etc.; identification of its primary NAICS code at the time of certification; and clarification of whether the majority of its revenues for the past three years are generated from the primary NAICS code at the time of certification.
- ☐ A copy of all governing documents, such as the tribe's constitution or business charter.
- ☐ Evidence of its recognition as a tribe eligible for the special programs and services provided by the United States or by its state of residence.

For the Holding Company, copies of the following:

- ☐ Articles of Incorporation or Articles of Organization, including any amendments, as appropriate
- ☐ Bylaws or Operating Agreement, including any amendments, as appropriate
- ☐ Front and back of the stock certificates (outstanding, transferred and canceled)

- ☐ Stock Register/Ledger, which accounts for the issuance, transfer and/or cancelation of each stock certificate
- ☐ Minutes or resolutions verifying the appointment of all member representatives, as applicable

SECTION IV

For all principals identified in Section II of the Form 1010, such as all owners of 10% interest or more, member representatives, management committee members, directors, officers, managers, general managers:

- ☐ SBA Form 1010-IND (Individual)
- ☐ SBA Form 912 (Statement of Personal History). If individual indicates an arrest history, the following must be provided: complete details for each arrest (date of arrest, charge, misdemeanor/felony, disposition, etc.), court documents, and SBA-specific Fingerprint Card (FD-258).
- ☐ Resume with complete education and employment history
- ☐ Only for owners of 10% interest or more, copies of the two most recent Federal personal tax returns with all schedules, attachments and W-2 forms for individual and spouse.

For key employees (not identified above), such as bank account signatories and qualifiers for special licenses:

- ☐ SBA Form 912 (Statement of Personal History). If individual indicates an arrest history, the following must be provided: complete details for each arrest (date of arrest, charge, misdemeanor/felony, disposition, etc.), court documents, and SBA-specific Fingerprint Card (FD-258).
- ☐ Resume with complete education and employment history

If an individual is claiming disadvantaged status (using personal eligibility):

- ☐ SBA Form 1010-IND which includes a disadvantage narrative
- ☐ Proof of United States citizenship, if born outside of the US (copy of passport or Certificate of Naturalization)
- ☐ SBA Form 912 (Statement of Personal History). If individual indicates an arrest history, the following must be provided: complete details for each arrest (date of arrest, charge, misdemeanor/felony, disposition, etc.), court documents, and SBA-specific Fingerprint Card (FD-258).
- ☐ Resume with complete education and employment history
- ☐ SBA Form 413 (Personal Financial Statement) for individual and spouse containing information no older than 30 days. Per regulations, forms must reflect individual's respective assets and liabilities. Only jointly owned items should be halved. SBA does not take into consideration community property when evaluating economic disadvantage.
- ☐ Copies of the three most recent Federal personal tax returns with all corresponding schedules, attachments and W-2 forms for individual and spouse
- ☐ Copy of trust agreement, if applicable
- ☐ IRS Form 4506-T (Request for Transcript of Tax Return) for the personal tax returns

SECTION V

For applicant firm:

- ☐ Business Financial Statements (balance sheet and income statement) for the three most recent year-ends
- ☐ Business Financial Statements (balance sheet, income statement, and aging of accounts receivable and accounts payable) for the interim period no older than 90 days
- ☐ A breakdown of revenues (percentage) by client on the income statements
- ☐ Copies of the Federal business tax returns for the three most recent years, including all forms, schedules, and attachments
- ☐ IRS Form 4506-T (Request for Transcript of Tax Return) for the firm's business tax returns.
- ☐ Bonding – (For construction firms) a statement of single and aggregate bonding limits from the firm's surety, if applicable
- ☐ Copies of all business loan and lines of credit agreements
- ☐ Documentation to evidence the firm meets the potential for success requirement through one of the following methods:

- (1) It has been in business for at least two years, as evidenced by income tax returns (individual or consolidated) for each of the two previous tax years showing operating revenues in the primary industry in which it is seeking 8(a) BD certification; or
- (2) The individual(s) who will manage and control the daily business operations of the firm have substantial technical and management experience, the firm has a record of successful performance on contracts from governmental or nongovernmental sources in its primary industry category, and the firm has adequate capital to sustain its operations and carry out its business plan as a Participant; or
- (3) The tribe has made a firm written commitment to support the operations of the firm and it has the financial ability to do so.