

# Application Tips for Success

This guide is designed to provide additional context and resources to help you with your 8(a) application. Each question is You can navigate to a specific section or question of the application using the interactive table of contents:

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# Basic Eligibility

## General Assessment

### **Is your company a for-profit business?**

Non-profit organizations are not eligible for the 8(a) Program. Examples of non-profit organizations include political organizations, research institutes, volunteer organizations, labor unions, hospitals, and public charities.

### **Is your company operating as a broker?**

Brokers are not eligible for the 8(a) Program. A broker buys and sells goods or assets for others without taking possession or adding value.

### **Has your company ever generated revenue?**

Companies are generally required to have two years in business to be eligible for the 8(a) Program. A company must generate revenue to be eligible for the 8(a) Program.

### **Do your company's two most recent tax returns show revenues in its primary industry?**

This shows that your company has been in business for at least two years and has the required experience in its primary industry. If your company has generated revenue for less than two years, you may submit evidence of the following to request a waiver of this requirement:

1. Your business management experience
2. Your company's industry experience
3. Your company's financial statements
4. Completed contracts showing your company's experience
5. That you can get the people, facilities, and equipment necessary to perform on 8(a) contracts

### **Does your company have a Doing Business As (DBA) name?**

A Doing Business As name may also be referred to as an assumed name, fictitious name,



or trade name. If you have a DBA, you will be asked to upload a copy of the certificate showing that it has been properly registered.

## Prior 8(a) Involvement

### **Has your company ever participated in the 8(a) Program?**

You can only participate in the 8(a) Program one-time. This includes participation under another name, voluntary withdrawal, termination, or graduation.

### **Has your company ever submitted an application to the 8(a) Program?**

If so, you will be asked to describe what happened with your previous application. Your application may have with a request for additional information, withdrawn, closed, or your company may have been formally denied program participation.

### **Do the assets of a former 8(a) company make up 50% or more of your company's assets?**

Assets may include but are not limited to machinery, equipment, and contracts. If most of your company's assets came from a prior 8(a) participant, you company will be considered to have already participated in the 8(a) program.

### **Did you hire a consultant to help with your 8(a) application?**

If so, you must submit a signed copy of the consulting agreement, evidence of payment, and a signed [Representative Information Form](#). The information is needed to discuss your application with the consultant. Examples of consultants providing outside assistance may include a PTAC, SBDC, private consultant, attorney, or accountant.

### **Does your company qualify as a small business?**

Your company must be a small business to participate in the 8(a) program. Please refer to [\(SBA Size Standards\)](#) for more information.

### **Has your company or any of its affiliates ever received a formal SBA size determination?**

You are not required to have a formal size determination to participate in the 8(a) Program. If you have received a formal size determination, you will be required to upload a copy of the determination. If you have been previously found to be other than small you may need to get a new size determination to show that your company is currently small.



# Ownership

SBA needs to confirm that the company is at least 51% owned by a qualified disadvantaged individual.

## Company Ownership

### Please detail the ownership of your company

You will be asked to complete the following to create an ownership table. Each entry will add a row to the table. You must account for 100% of your company's ownership before continuing with the application.

Type of Owner	Name	U.S. Citizen	Position in Company	Basis for Disadvantage	Claiming Disadvantage?	Ownership %	Action
Type Of Owner Individual - Primary Owner							
Name 							
U.S. Citizen <input type="radio"/> Yes <input type="radio"/> No							
Position In Company 							
Basis For Disadvantage Black American							
Claiming Disadvantage? <input type="radio"/> Yes <input type="radio"/> No							
Ownership %   %							
<input type="button" value="OK"/> <a href="#">Cancel</a>							
Total						0%	

## Ownership Details

### How did you become an owner of your company?

Please select the appropriate option from the drop-down menu.



**Has your company’s ownership, legal structure, or name changed in the past two years?**

If so, you must provide an explanation and evidence of the change. Please note that LLCs electing to file taxes as S-Corporations are not changing their structure and do not need to answer yes to this question.

**Does your company have any buy-sell agreements, shareholder agreement, or other ownership arrangements which may impact your unconditional ownership of the company?**

If so, you must upload copies of any such agreements along with clarification regarding all such agreements/arrangements.

**Does your company currently have ownership interest in any other companies?**

If so, you will be required to upload details including financial statements, tax returns, proof of ownership, nature of the relationship. Please note that the equity in any other companies should be detailed on your company’s financial statements.

**Does any other company or organization have more than 10% ownership interest in your company?**

If so, you will be required to upload details including financial statements, tax returns, proof of ownership, nature of the relationship. Please note that the equity in any other companies should be detailed on your company’s financial statements.

**Please upload a Transmutation agreement if you are married and living in a community property State/Territory (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, Wisconsin, Guam, Puerto Rico)**

Community property rights could impact the ownership of your company. Community property is owned jointly by a married couple. A transmutation agreement allows your spouse to change the character of their ownership from community property to separate property.



## **Please upload your company's Certificate of Good Standing (dated within one year)**

A Certificate of Good Standing may also be called a Certificate of Existence or a Certificate of Status. If your company is registered to do business in multiple states, you may be required to provide evidence that your company is registered in each state.

## **Governing Documents**

You will be asked to provide the following information based on the structure of your business. Please note that LLCs may elect to be treated as an S-Corporation, or a disregarded entity for tax purposes but should still select LLC as the business type.

### **Corporation:**

- Articles of Incorporation – must be properly (generally documented with a filing stamp). Please ensure that the authorized number of shares have not exceeded the amount issued.
- Bylaws – must detail your complete control of the company.
- Shareholder meeting minutes - showing the election of the current Board of Directors
- Board of Director meeting minutes -showing the election of the current officers
- Stock Certificates –You will be requested to upload copies of the front and back of your company's stock certificates. Please make sure stock certificates are properly numbered, signed, and include any transfer information on the back.
- Stock Ledger – Should document all ownership changes and be supported by the current stock certificates.

### **LLC**

- Articles of Organization - This document can also be called “Articles of Formation” in some areas.
- Operating Agreement
- Membership meeting minutes – If you hold membership meetings, you will be asked to provide the most recent meeting minutes.



- Membership shares – If your operating agreement requires membership shares to be issues, you will be asked to provide them.

## **Partnership**

- Partnership Agreement -Please verify that the agreement is signed and dated by all partners.

## **Sole-Proprietorship**

- DBA Certificate – A doing business as name may also be referred to as an assumed name, fictitious name, or trade name. If you have a DBA, you will be asked to upload a copy of the certificate showing that it has been properly registered.

## **Character**

### **Has your company filed for bankruptcy or insolvency in the last 7 years?**

If so, you will be asked to provide the final bankruptcy discharge along with all schedules including the list of all debtors covered by the discharge.

### **Is your company a defendant in any pending lawsuits?**

If so, you will be asked to provide details.

### **Does your company have any outstanding delinquent federal, state, or local financial obligations or liens?**

Federal obligations include SBA loans and federal taxes. If so, you will be asked to provide details. If you are on a plan to repay an obligation, such as an installment agreement with the IRS, you will be asked to provide detail of the payment plan and evidence of recent payments.

### **Has your company (under any name) ever been debarred or suspended by any Federal entity?**

If so, you will be asked to provide details. A company may not be currently debarred or suspended and participate in the 8(a) Program.



# Potential for Success

## Taxes

**Please upload your company's Federal tax returns filed in the last five years, including all schedules and attachments, and proof of payment if a balance was due.**

Please ensure the tax returns are signed and include all pages, schedules, and attachments. Compare the business activity code on your company's business tax filings with the company's primary NAICS code in SAM. If there is a conflict and the wrong business activity code was used on the tax return, have your tax preparer provide an explanation of the discrepancy and detail of the correct business activity code that should have been used on the tax returns.

## Revenue

**Are you applying for the 8(a) Program under the same primary NAICS code listed for your company on SAM.gov?**

If not, you will be asked to update your SAM profile.

**Is your company's primary NAICS code supported by the Business Activity Codes used on your company's tax returns?**

If your tax preparer erred in providing the correct primary Business Activity Code on your tax return, please have him/her address this issue on company letterhead. If your company's primary NAICS code in SAM.gov is wrong, please correct.

**Please upload your company's three most recent year-end and current year-to-date financial statements.**

Please ensure that net income is reported consistently when comparing the balance sheet to the profit and loss statement. In addition, equity/retained earnings should roll forward correctly from year-to-year. If your company has not been in operation for at least three years, provide all available financial statements.



## **Please list all contracts awarded to your company in the last 12 months.**

You will be asked to detail the award date, customer name, NAICS code, description of work, annual revenue, and total contract value. If you performed work as a subcontractor, list the prime contractor as the customer.

## **Potential for Success**

### **Does your company have any loans that are not from commercial banks?**

If so, you will be requested to provide details of the loans, which should also be included on your company's financial statements.

### **Provide a copy of your company's local business license, or evidence that a local business license is not required.**

This is different than a certificate of good standing.

### **Is your company required to have any industry specific licensing?**

If so, you will be requested to provide a copy of your license. Example of industry specific licensing include contracting, engineering, accounting, etc. Please ensure that the licenses are current.

### **Is your company in the construction industry?**

Only construction companies are required to provide evidence of their bonding. If the company is in the construction industry, you will be asked to provide a statement from your surety firm reflecting your company's single and aggregate bonding limits.

## **Control**

### **Does your company have any agreements that may impact ownership or control? These may include:**

- **joint venture**
- **mentor protégé**
- **indemnity**



- **consulting**
- **distributorship**
- **licensing**
- **trust**
- **franchise**
- **management**
- **Certifications**
- **Permits**

If so, you will be requested to upload the agreements.

**Do any other companies or individuals provide financial support to your company?**

If so, you will be requested to provide additional detail of the support and relationship.

**Are you the highest compensated person in your company?**

If not, you will be asked to provide evidence of who the highest compensated person in your company is. You may choose to not receive the highest compensation, if you provide an explanation of why it is the best interest of your company.

**Please upload all business bank account signature cards**

Please ensure you include all business bank signature cards. If your bank will not provide a signature card, you may submit a letter on official bank letterhead identifying the type of account and who has signature authority over. If anyone other than you has access to your company's bank account, you will be asked to provide an explanation of why they need access.

**Does your company share any locations or resources with any other companies?**

If so, you will be requested to provide a copy of any agreements and clarification of any shared resources.



**Does your company lease or use office space or other facilities from any other company?**

If so, you will be asked to provide a copy of the lease agreement and detail any familial or financial relationship you may have with the leaseholder.

**Do any principals of your company have any financial or familial interest or relationship with the owner of the leased facility?**

If so, you will be asked to provide details of the relationship.

## **Personal Information**

### **Gender**

Select your gender

### **Marital Status**

Select your marital status

### **Social Security Number**

Enter your social security number

### **Best contact phone number**

Enter your phone number

### **Provide your current home address**

Enter your current home address

### **Dates of Residency**

Enter timeframe that you have lived at your current primary residence

### **Have you lived at your present address more than 10 years?**

If not, you will be asked to provide details on previous addresses



## **Provide your most recent previous home address**

Enter your most recent previous home address (only required if you have not lived at your current address for more than ten years)

### **Dates of Residency**

Enter timeframe that you have lived at your previous home address

### **Date of Birth**

Enter your date of birth

### **Place of Birth**

Enter your place of birth

### **Country of Birth**

Enter your country of birth

### **Are you a U.S. citizen?**

If you are not a U.S. citizen, you cannot claim disadvantaged status

### **Upload your personal resume**

Please ensure that your resume reflects your education, technical training and business and employment experience, including employer's name, dates of employment and nature of employment. All time must be accounted for on your resume including your duties/responsibilities with your company.

### **Do you have a job outside your company?**

If you have an ownership or management interest in any companies outside of your company, please provide the following:

- Proof of Ownership
- Tax Returns – 5 Years
- Year-end financial statements – 1 year
- Year-to-date financial statements - most recent available

Management interest may include where one or more officers, directors, managing members, or partners who control the board of directors and/or management of one concern also control the board of directors or management of one or more other concerns.



## **Do you have ownership or management interest in any other company?**

If so, you will be asked to provide the following information:

- Proof of Ownership
- Tax Returns – 5 Years
- Year-end financial statements – 1 year
- Year-to-date financial statements - most recent available

Management interest may include where one or more officers, directors, managing members, or partners who control the board of directors and/or management of one concern also control the board of directors or management of one or more other concerns.

## **Do any of your immediate family members own a company that does business with your company?**

If so, you will be asked to provide the following:

- Family member name
- Family member relationship to you
- Family member role in company that does business with your company
- Detail of contractual relationship
- Company name
- Company DUNS
- Company 8(a) prior participation status
- Detail of any common ownership or management of your company by the family member

Immediate family members include your father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.

## **Have you, or any company you owned, ever applied for certification in the 8(a) program?**

If so, you will be asked to provide the following:

- Company name
- Company DUNS number /Unique Entity Identifier
- Detail of company ownership
- Company NAICS code approved under

Any additional relevant information

**Have you already used your one-time only 8(a) eligibility to qualify a business for the 8(a) program?**

If so, you are not eligible for the 8(a) Program.

**Have any of your immediate family members ever owned a company that was admitted to the 8(a) Program?**

If so, you will be asked to provide the following:

- Company name
- Company primary NAICS code during participation in 8(a) Program
- Company DUNS
- Business relationship with your company
- Detail of any common ownership or management of your company by the family member

**Are you a Federal Government employee?**

The Federal Acquisition Regulation Subpart 3.6 places restrictions on Federal Government employees which may prevent your company from acquiring contracts or create conflicts of interest. In addition, there are limitations on SBA's ability to provide assistance to government employees. Reference 13 CFR 105.301.

**Is any member of your household a Federal Government employee?**

If so, your spouse must provide a letter of no objection from their employer. Generally, this can be obtained from their Agency's Ethics Office.

**Have you filed for personal bankruptcy in the last 7 years?**

If so, you will be asked to provide a copy of the final bankruptcy discharge and all supporting documentation and schedules including a list of debtors included in the bankruptcy.

**Have you previously obtained an SBA loan?**

If so, you will be asked to provide specific information on that loan. A default on an SBA loan may impact your ability to meet 8(a) eligibility criteria.



**Are you a party to a pending civil lawsuit?**

If so, you will be asked to provide details and evidence of the current status of the lawsuit.

**Are you delinquent in paying or filing any of the following?**

- **Federal or federally guaranteed obligations (including federal student loans or mortgages)**
- **Business taxes or liens**
- **Personal Federal, State, or local tax returns**

If you are delinquent, you will be asked to provide a copy of your approved repayment plan and include documentation to verify you are in compliance with the repayment terms and conditions. See 13 CFR.124.108 for information on Federal Obligations.

**Have you ever gone by any other names?**

If so, you will be asked to provide detail of your previous names.

**Are you presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction?**

If so, you will be requested to provide additional details.

**Have you been arrested in the past six months for any criminal offense?**

If so, you will be requested to provide additional details.

**For any criminal offense, including expunged records, have you ever:**

- **Been convicted**
- **Plead guilty**
- **Plead nolo contendere**
- **Been placed on pretrial diversion**
- **Been placed on any form of parole or probation (including probation before judgement)**



For the above details are required.

**Upload a narrative for each arrest, conviction, or incident involving formal criminal charges brought against you.**

Narratives should include the date, location, sentence, and penalties, and current status of each incident.

**Upload copies of all relevant court disposition or documents.**

You will be asked to provide court documents to support the narrative of each incident.

**Select one of the following "presumed disadvantaged groups" as the basis of your social disadvantage.**

If applicable, select the presumed disadvantaged that is the basis of your social disadvantage. If you are Native American; you will be asked to provide a copy of your tribal card showing that you are an enrolled member of a federally or State recognized tribe. Also see 13 CFR 124.103 for each presumed group which also includes the countries of origins.

**Please provide documentation supporting your membership in the "Native American" group**

Alaskan Native and Native Hawaiian applicants are asked to provide a copy of their birth certificate. Native American applicants are asked to provide a tribal card from a federally or state recognized tribe.

**Select one of the following "objective distinguishing features" as the basis of your social disadvantage and add details in the comment field.**

If you are not a member of one of the presumed disadvantaged groups, you may provide evidence of a distinguishing feature as the basis of your social disadvantage.

**Please attach a narrative statement providing specific claims, incidents of bias, or discriminatory conduct directed towards you.**

You will be asked to provide specific examples of incidents of bias, or discriminatory conduct directed toward you. These examples must provide the name of who was biased toward you when and where did it occur, what was the bias or discriminatory act and why was it biased. Finally, you must demonstrate how this affected your entry into or



advancement into the business world.

**Have you transferred any assets to any immediate family member for less than fair market value in the last two years?**

If so, you will be asked to provide detail and these assets may need to be included in your adjusted net worth calculation.

- 1. Upload your individual Income Tax Returns for the last three completed tax years. Include all Schedules and attachments.**
- 2. Upload your Wage and Tax Statements (W-2s) for the last three years. If you filed your tax return jointly with a spouse, upload your spouse's W-2s for the last three years, as well.**
- 3. If you owed taxes, upload evidence of payment. (This may be a bank statement or IRS Tax Account Transcript)**

**As of Date**

This is the date that you choose to report the following personal asset and liabilities.

**Cash on Hand**

Funds held outside of financial institutions

**Savings Account(s) Balance**

Funds held in savings accounts

**Checking Account(s) Balance**

Funds held in checking accounts

**Salary**

Include all sources of wage income (your company and any outside sources of income)

**Other Income**

Include income from all other sources



## **Equity in your Company**

This information can be found on your company's most recent Balance sheet. Equity is the difference between you company's assets and liabilities.

## **Your Equity in Other Companies**

This information can be found on the other company's balance sheet. Equity is the difference between you company's assets and liabilities.

## **Do you have any notes receivable from others?**

If so, you must include detail of the loan. This includes any loans made by you to your company.

## **Do you have a Roth IRA?**

You must include the total value of your Roth IRA.

## **Do you have any other retirement accounts?**

If so, include the value of you qualified retirement accounts.

## **Do you have a life insurance policy that has a cash surrender value?**

Term life insurance policies do not generally have cash surrender value.

## **Do you have any loans against a life insurance policy?**

If so, you may be asked to provide details of the loan.

## **What is the current balance of any loans against life insurance?**

This should be included on your current loan statement.

## **Do you have any stocks, bonds, or mutual funds?**

If so, you may be asked to provide detail of your stock, bonds, or mutual funds.

## **Do you own your primary residence?**

This information is included on the property deed.



## **Do you have any notes payable or other liabilities?**

If so, you may be asked to provide details.

## **Do you have any Assessed Taxes that were unpaid?**

If you have a repayment plan, you must provide a copy of the plan and evidence that you have been making consistent payments.

## **Other Disadvantaged owners (disadvantaged individual)**

Provide detail of any other owners of your company why are also claiming social disadvantage.

### **Spouse**

If your spouse is a key employee, officer, or holds more than 20% interest in your company, they must register as a Non-disadvantaged applicant as well as your spouse.

## **People involved with your company**

Each of the following people involved with your company must complete their own section of the application.

- Everyone who owns at least 20% of your firm
- Officers
- Directors
- Board members
- Managers
- Partners

## **Additional Resources:**

- [Local Assistance](#) - SBA and their network of partners offer free assistance in your area.
- [Certify Knowledgebase](#) - Centralized location for detailed how-to articles, forms, frequently asked questions
- [Certify Help Desk](#) - If you cannot find answers to your questions from the resources detailed above, please contact the Certify Help Desk for assistance.

