



U.S. Small Business
Administration



ELIGIBILITY OVERVIEW

8(a) Program Application Tips & FAQs

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OVERVIEW AND HELPFUL TIPS FOR SUCCESSFUL 8(A) APPLICATION PROCESSING

Here is some additional information that may be helpful to you while applying to the 8(a) Business Development Program (8(a)). The information explains the requirements of the program. Click [here](#) to view 8(a) program information.

[Click here to apply to the 8\(a\) Business Development Program](#) and **use the “Am I Eligible”** tool to discover if your company should pursue participation in this contracting program.

Local SBA Assistance

It is strongly encouraged that you first contact your local SBA District Office regarding any upcoming 8(a) workshops which go over the 8(a) eligibility requirements in more detail. This will assist you in understanding the requirements of the program and whether you are eligible or ready for the 8(a) program.

Visit the [SBA District Office](#) directory to locate a Business Opportunity Specialist near you and for additional local assistance with applying to the 8(a) program, assistance with government contracting, certifications, financing, general business support, and more. Find your nearest office at [SBA.gov/Local Assistance](#).

OVERVIEW OF ELEMENTS OF ELIGIBILITY

General Elements of Eligibility for the 8(a) Program

The 8(a) program requires that a firm be at least 51 percent unconditionally owned, controlled, and managed by a socially and economically disadvantaged individual(s).

Social Disadvantage:

- SBA has determined certain groups are presumed to be socially disadvantaged.
- Presumed groups include Asian Pacific Americans, Black Americans, Hispanic Americans, Native Americans, and Sub-Continent Asian Americans.
- Applicants claiming social disadvantage on the basis that they are Native American are required to show proof they are enrolled as a member of a State or Federally recognized tribe. [Click here to view 13 CFR 124.103](#) for additional specific information.

If you are not a member of one of the presumed groups, you may still claim disadvantaged status, based upon a preponderance of the evidence. Preponderance is a legal standing and means it is more likely to have occurred than not to have occurred. You must have at least one distinguishing factor to your claim, such as gender, race, physical handicap, isolation from the economic mainstream, etc. You must provide specific examples of what you have encountered including names, dates, etc. The discrimination must have occurred in the United States, been chronic and substantial, and impeded your entry or advancement into the business world. You must make a nexus of what you

have encountered and how that impacted you. [Click here and refer to 13 CFR 124.103\(c\)](#) for more information on making a preponderance claim.

Economic Disadvantage:

A socially disadvantaged individual must also be economically disadvantaged. In order to be economically disadvantaged, SBA reviews the individual's personal net worth which must be less than \$750,000 after we exclude all legitimate retirement accounts and any equity in the primary residence, and the applicant firm. We also review the individual's total asset level which may not exceed \$6 million, with the only allowed exclusion being legitimate retirement accounts. Finally, the individual's average three-year income which may not exceed \$350,000.

Click [here to view CFR 13 CFR 124.104](#) for detailed information on economic thresholds and requirements.

Ownership:

We require that the individual upon whom eligibility is based directly and unconditionally own at least 51 percent of the firm. If you reside in a community property State, it may be necessary to submit a notarized transmutation agreement.

Click [here to view 13 CFR 124.105](#) for detailed information on ownership requirements.

Control Management:

We require that the individual hold the highest position, be the highest compensated, or provide information as to why it is in the best interest of the firm that others receive a higher compensation. The individual must devote full time at the business concern during normal business hours of firms in the same or similar line of business. This excludes any outside employment or business interests which may hinder the firm in achieving the goals and objectives of the 8(a) program. The individual must have required management expertise to operate the firm.

[Click here to view 13 CFR 124.106](#) for detailed information regarding critical licensing requirements that may apply to your firm.

Potential for Success/Two-year Rule:

The firm must have the necessary track record and financial capacity to perform successfully on contracts awarded in the 8(a) program. The firm must meet potential for success criteria. Typically, this is demonstrated by the firm being operational for at minimum two full years as verified by revenues reported in the firm's primary NAICS code as reported on the firm's business tax returns. A waiver to the two year rule may be granted, however, but the firm must address each element of the two year waiver in detail, provide copies of contracts, letters of reference to verify successful contract performance, copies of invoices, and proof of payment on invoices. If the firm has not generated any revenues, then the firm will be unable to waive the two-year rule. Owners should strategically consider the timing on applying if their business experience is limited and exposure to the federal marketplace is at its infancy. Businesses who have an established track record as a subcontractor or prime contractor at the federal level tend to experience greater growth and higher levels of success and sustainability than those businesses just starting in federal contracting.

[Click here to view requirements at 13 CFR 124.107.](#)

Good Character:

The firm and all its principals must be of good character, paid all Federal Obligations, have no outstanding liens or judgements, and is not operating as a broker. For other eligibility requirements [please click here to view 13 CFR 124.108.](#)

Size Standards:

The firm must meet small business size standards which is based upon the firm's primary NAICS code. Please keep in mind that should SBA find that there are affiliate firms, SBA includes those affiliated with determining size. [Click here to view 13 CFR §124.102.](#)

Additional Points of Contact and Resources:

You may review more information on the 8(a) program online at www.sba.gov—click on programs and then on 8(a). On the same website, we also offer a webinar with the eligibility requirements.

Click here to [contact your local SBA District Office in your area](#) and inquire about any upcoming 8(a) workshops which go over the eligibility requirements in more detail.

Points of Contact at San Francisco and Philadelphia Processing Centers

Your 8(a) application is processed by analysts in one of two 8(a) Processing Centers:

- **San Francisco**
 - Phone: (415) 744-0328
- **Philadelphia**
 - Phone: (610) 382-3988
- GENERAL EMAIL BOX FOR THE 8(a) PROGRAM
 - Email: 8aquestions@sba.gov

To learn more about the 8(a) program and its requirements, click here [to visit the Code of Federal Regulations and review Title 13 Business Credit and Assistance, Chapter 1, Part 124 at www.ecfr.gov.](#)

Please make sure that you have a profile in the System for Awards Management (SAM), which replaced the Central Contractor Registration (CCR). You will not be able to apply into the 8(a) program without having this profile. A profile in the SAM is required for all firms seeking to do contracting with the federal government. Visit U.S. Government's [System for Award Management](#) (SAM) site to set up your profile. Select "Create an Account" under the "Register under SAM" heading. Please keep in mind that you will need to obtain a DUNS after you have set up your profile, and this may take up to 10 days before this information can transfer to our system.

BASIC ELIGIBILITY SECTION OF THE APPLICATION:

General Assessment

Is the applicant firm a for-profit business?

Response: A firm must be for-profit to be eligible for the 8(a) program.

Is the applicant firm operating as a broker?

Response: Brokers are not eligible for participation in the 8(a) program, please review 13 CFR 124.108(d). A broker is a concern that adds no material value to an item being supplied to a procuring activity or which does not take ownership or possession of or handle the item being procured with its own equipment or facilities.

Has the firm generated any revenue?

Response: This is a “YES” or “NO” response, please do not respond with “N/A.” If your firm has not yet generated revenues or is not currently generating revenues, then your firm **will not** be able to waive the two-year rule at this time. Although SBA offers a waiver to the two-year rule, a condition of the waiver requires that the firm have a track record of performance on contracts. Therefore, the firm must have an established track record and the firm **MUST** have generated revenues.

Are all the individual(s), in the applicant firm, claiming disadvantaged status U.S. citizens?

Response: In order to claim disadvantaged status, the individual must be a U.S. citizen. Resident Aliens are strictly prohibited from claiming disadvantaged status. Non-citizens may own a portion of the firm, they may not however claim disadvantaged status. At least 51 percent must be owned by one or more socially and economically disadvantaged individual(s).

Does the applicant firm have a Doing Business As (DBA) Name?

Response: If “YES,” you must include this filing in the Ownership Section of the application. This would also include a copy of any fictitious name filing.

Prior 8(a) Involvement

Was the applicant firm ever a certified 8(a) Business Development Program Participant?

Response: If “YES” it is a ONE-TIME eligibility use for the individual who claimed disadvantaged status as well as the firm. See my13 CFR 124.108(b).

- 1.** An individual who claims disadvantage and completes the appropriate SBA forms to qualify an applicant has participated in the 8(a) BD program if SBA approves the application.
- 2.** Use of eligibility will take effect on the date of the concern’s approval for admission into the program.

Has the applicant firm ever submitted an application to the 8(a) Business Development Program?

Response: If “YES,” please provide details, when you previously submitted and what the outcome was, file deemed incomplete, file declined or withdrew, etc.

Do the assets of a previously certified 8(a) Business Development Program Participant constitute 50 percent or more of applicant firm's assets?

Response: If “YES,” this impacts the firm’s one-time eligibility use. See 13 CFR 124.108(b) One-time eligibility. Once a concern or disadvantaged individual upon whom eligibility was based has participated in the 8(a) BD program, neither the concern nor that individual will be eligible again.

1. When at least 50 percent of the assets of a concern are the same as those of a former participant, the concern will not be eligible for entry into the program and will be considered to have already participated in the program.

Outside Assistance: Did the applicant firm hire an outside consultant to assist with its 8(a) application?

Response: If “YES,” we require a copy of your firm’s signed consulting agreement and verification of payment. The information is also needed to discuss your application with someone who is not an owner of the firm . Examples of outside assistance includes assistance from a PTAC, SBDC, private consultant, attorney, or accountant.

Business Size: Is the applicant firm considered small in accordance with its primary North American Industry Classification System (NAICS) code?

Response: The firm must be a small business to participate in the 8(a) program. (www.sba.gov/size)

Has the applicant firm or any of its affiliates received a formal SBA size determination?

Response: It is not required to have a formal size determination. This question is asking if a formal size determination by SBA has ever been rendered. If no size determination has been rendered, then there would be no document to upload. If in fact SBA has rendered a formal size determination on your firm, you must upload a copy of the agency’s ruling. If you have been previously found to be other than small you may need to get a new size determination to show that your firm is currently small.

Character**Has the applicant firm (under any name) ever been debarred or suspended by any Federal entity?**

Response: If “YES,” please provide details. Also, a firm may not be currently debarred or suspended at the time of your application submission. If a firm is currently debarred or suspended it would render the firm ineligible at this time.

Does the applicant firm have any outstanding delinquent Federal, State, or local financial obligations or liens filed against it?

Response: A firm must be in compliance with all federal obligations. This also includes but not limited to student loans, federal backed mortgages, SBA loans and federal taxes. If you have any such debts it would be necessary to provide documentation to verify you have an approved repayment plan and are in compliance with that repayment plan. You should upload copies of the agreements, a copy of any recent statement to show the amount still due and compliance, as well as copies verifying recent

payments such as copies of checks or automatic withdrawals. Please keep in mind that a pending repayment plan is insufficient, you will need to have an approved repayment plan.

13 CFR 124.108(e) *Federal financial obligations*. Neither a firm nor any of its principals that fails to pay significant financial obligations owed to the federal government, including unresolved tax liens and defaults on federal loans or other federally assisted financing, is eligible for admission to or participation in the 8(a) BD program. Federal obligations include but are not limited to student loans, Federally backed mortgages, SBA loans and Federal taxes.

Is the applicant firm a defendant in any pending lawsuit?

Response: If “YES,” we will require the details on this lawsuit. SBA needs to assess the possible impact of this lawsuit on the firm’s eligibility.

Bankruptcy Concerns

Has the applicant firm filed for bankruptcy or insolvency within the past 7 years?

Response: If “YES,” we require a copy of the final bankruptcy discharge along with all schedules including the list of all debtors included in the discharge.

SBA runs third party checks and at times items that had in fact been included on a bankruptcy discharge may still show up on a third-party report. Therefore, by having the list of all parties included in the discharge we will be able to determine if it is a current issue or one that was included in the bankruptcy. In addition, any discharge of a federal loan will impact your eligibility.

OWNERSHIP ELIGIBILITY SECTION OF THE APPLICATION:

NOTE: If you are a single member LLC and file a Schedule C on your tax return you must complete the application for an “LLC” not a sole-proprietorship. Likewise, if you are filing your LLC on an 1120S tax return as a corporation you still must indicate that your firm is an LLC and not a corporation. If you complete the wrong business structure in Certify your application must be closed so that you can complete the correct legal business structure.

Business Ownership

NOTE: If married and residing in a community property State it may be necessary to submit a notarized transmutation agreement to ensure that the disadvantaged individually owns at least 51 percent. Community property rights impact unconditional ownership. You would upload any transmutation agreement in this section.

If you are an individual who owns the firm and are of Native American Heritage, you would still identify ownership in the individual section. The remaining categories refer to entities such as a tribe that is applying for a business which the tribe owns.

SOLE PROPRIETORS

Firm Ownership

Who owns the firm? Please detail the ownership percentages of the firm:

Acceptable Response: You must fill in a percentage or your submission will be returned. This ownership should reflect what is stated in your firm’s formation documents.

- Individuals: %
- Other firms %
- American Indian Tribe (AIT) %
- Alaska Native Corporation (ANC) %
- Community Development Corporation (CDC) %
- Native Hawaiian Organization (NHO) %

Firm Ownership

Is the applicant firm at least 51 percent or more unconditionally owned by another entity?

Response: If you answer “YES” to this question your firm is not eligible for the program.

Ownership Details

How did the Principal Owner(s) acquire the applicant firm?

Response: Please indicate if you established the firm, were gifted the firm, or purchased the firm.

Name Change of Applicant, Legal Structure in Past Two Years

Has the applicant firm’s ownership, legal structure, or name changed in the past two years?

Response: If the ownership has changed you must submit documentation in reference to any changes including the value of the business at the time of the sale, any buy sell agreements, proof of payment for acquiring the firm. If it has been “Gifted” you must explain why the firm was gifted and whether you transferred any assets in exchange for the ownership.

Buy-sell Agreements, Shareholder Agreements, or Other Similar Arrangements

Does the applicant firm have any buy-sell agreements, shareholder agreements, or other similar arrangements which may impact the unconditional ownership of the disadvantaged individuals?

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

Does the applicant firm currently have ownership interest in any other firm?

Response: As a sole-proprietorship the firm does not own an outside business; it would be you as an individual who would own an outside business and that information would be included in the personal section of the application.

Does another firm or other organization have more than 10 percent ownership interest in the applicant firm?

Response: As a sole-proprietorship the firm does not own an outside business; it would be you as an individual who would own an outside business and that information would be included in the personal section of the application.

Does the Applicant Firm Have a Doing Business As (DBA) Name?

Response: Regardless of the firm's business structures if you answered "yes" to this item in the basic eligibility section of the online application you must include this information. If you have filed a Fictitious Name Filing or have a Doing Business As (DBA) filing, you must upload a copy here.

OWNERSHIP FOR A PARTNERSHIP:**Business Ownership**

NOTE: If married and residing in a community property State it may be necessary to submit a notarized transmutation agreement to ensure that the disadvantaged individually owns at least 51 percent. Community property rights impact unconditional ownership. You would upload any transmutation agreement in this section.

If you are an individual who owns the firm and are of Native American Heritage you would still identify ownership in the individual section. The remaining categories refer to entities such as a tribe that is applying for a business which the tribe owns.

Firm Ownership**Who owns the firm? Please detail the ownership percentages of the firm:**

Response:

- Individuals %
- Other firms %
- American Indian Tribe (AIT) %
- Alaska Native Corporation (ANC) %
- Community Development Corporation (CDC) %
- Native Hawaiian Organization (NHO) %

Is the applicant firm at least 51 percent or more unconditionally owned by another entity?

Response: If you answer “YES” to this question your firm is not eligible for the program. The firm must be at least 51 percent directly owned by socially and economically disadvantaged individual(s).

Ownership Details**How did the Principal Owner(s) acquire the applicant firm?**

Response: Please clarify if you established the firm, were gifted the firm, or purchased the firm.

Name Changes**Has the applicant firm’s ownership, legal structure, or name changed in the past two years?**

Response: If “YES” you must provide details on what specifically changed. If there has been a change in ownership, please include information on the sale, such as a buy/sell agreement, proof of payment, valuation of the business as the time of sale, etc.

Buy-sell Agreements**Does the applicant firm have any buy-sell agreements, shareholder agreements, or other similar arrangements which may impact the unconditional ownership of the disadvantaged individuals?**

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

Ownership Interest in Other Firms**Does the applicant firm currently have ownership interest in any other firm?**

Response: If “YES” you must provide the information on that firm since SBA will find affiliation through identify of interest and common ownership. It would be necessary to provide information on the ownership percentage, clarification on any shared relationships with that firm and the applicant firm such as employees, space, contracts, etc. Provide information on the type of product/service provided by that firm. Tax returns for this firm would be necessary for 3 years or as applicable for time in business since it can impact the firm’s compliance with size requirements.

Does another firm or other organization have more than 10 percent ownership interest in the applicant firm?

Response: If “YES” the same clarification/information as noted above would be necessary. SBA may find the firm to be affiliated through identify of interest and common ownership.

Partnerships and Agreements**Please upload the applicant firm’s current Partnership Agreement.**

Response: Please verify that the agreement is signed and dated by all partners.

OWNERSHIP FOR A LIMITED LIABILITY COMPANY LLC

Business Ownership

NOTE: If married and residing in a community property State it may be necessary to submit a notarized transmutation agreement to ensure that the disadvantaged individually owns at least 51 percent. Community property rights impact unconditional ownership. You would upload any transmutation agreement in this section.

If you are an individual who owns the firm and are of Native American Heritage you would still identify ownership in the individual section. The remaining categories refer to entities such as a tribe that is applying for a business which the tribe owns.

Firm Ownership

Who owns the firm? Please detail the ownership percentages of the firm:

Response:

- Individuals 0%
- Other firms 0%
- American Indian Tribe (AIT) 0%
- Alaska Native Corporation (ANC) 0%
- Community Development Corporation (CDC) 0%
- Native Hawaiian Organization (NHO) 0%

Is the applicant firm at least 51 percent or more unconditionally owned by another entity?

Response: If you answer “YES” to this question your firm is not eligible for the program. The firm must be at least 51 percent directly owned by socially and economically disadvantaged individual(s).

Ownership Details

How did the Principal Owner(s) acquire the applicant firm?

Response: Please clarify if you established the firm, were gifted the firm, or purchased the firm.

Has the applicant firm’s ownership, legal structure, or name changed in the past two years?

Response: If “YES” you must provide all information about any changes that have occurred. If it is a change in ownership, SBA will require information on that change, including any buy/sell agreements, how the firm was valued at the time of the sale, proof of payment, etc.

Does the applicant firm have any buy-sell agreements, shareholder agreements, or other similar arrangements which may impact the unconditional ownership of the disadvantaged individuals?

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

Does the applicant firm currently have ownership interest in any other firm?

Response: If “YES” you must provide the information on that firm since SBA will find affiliation through identify of interest and common ownership. It would be necessary to provide information on the ownership percentage, clarification on any shared relationships with that firm and the applicant firm such as employees, space, contracts, etc. Provide information on the type of product/service provided by that firm. Tax returns for this firm would be necessary for 3 years or as applicable for time in business since it can impact the firm’s compliance with size requirements.

Does another firm or other organization have more than 10 percent ownership interest in the applicant firm?

Response: If “YES” the same clarification/information as noted above would be necessary. SBA may find the firm to be affiliated through identify of interest and common ownership.

LIMITED LIABILITY COMPANY (LLC)

Please upload all relevant documents from the following list:

- **Articles of Organization (original and current version)**
 - NOTE: Ensure that the document includes a filing stamp. Any changes to the original articles must be filed with the State and would indicate a revised agreement that would be required in addition to the original filing. This document can also be called “Articles of Formation” in some areas.
- **Operating Agreement (current version)**
 - NOTE: Even if you are a one-person LLC or your State does not require this document, this document is required for SBA purposes. The operating agreement outlines the ownership, control, and management of the firm. You may obtain samples of the document online.
 - NOTE: If you are using titles such as President, Chief Operating Officer, etc., you must ensure that your firm’s operating agreement includes the authorization of all such positions and outlines the role and duties of these positions. Generally, an LLC uses the titles of “member” or “managing member” unless otherwise authorized in the operating agreement.
 - NOTE: The firm’s Articles of Organization/Formation may specify if the firm is member managed or managed by a manager elected by the members. This may also be stipulated in the firm’s operating agreement. If your firm has an elected managing member, please ensure your file contains the most recent meeting of the members electing that individual to the position of managing member.

- **Resolutions**

- NOTE: We require a copy of any resolutions.

- **Membership Shares and Ledgers (see details below)**

- NOTE: Not all LLCs issue membership shares. Should your firm's documents authorize the issuance of membership shares please include a copy of all "ISSUED" share certificates (front and back), make sure they are properly endorsed, transferred, cancelled etc., as outlined in accordance with your firm's operating agreement. You must also include a Membership Ledger which should correspond with the issued membership shares. NOTE: Cross reference the firm's tax filings to determine if there are any discrepancies regarding the K-1s and what is being reported in the applicant regarding ownership percentages.

Attachments:

Please upload the applicant firm's current Certificate of Good Standing.

NOTE: This is not a tax certificate request, this is a certificate of good standing which is issued by the State. The form may have a different name in your State, but it must demonstrate that your company is in good standing with the State. If your firm is organized in one State but operates in another State you must include the certificate of good standing for the State of organization and we will require a copy of the firm's filing as a foreign corporation doing business in that State.

OWNERSHIP FOR A CORPORATION

Business Ownership

NOTE: If married and residing in a community property State it may be necessary to submit a notarized transmutation agreement to ensure that the disadvantaged individually owns at least 51 percent. Community property rights impact unconditional ownership. You would upload any transmutation agreement in this section.

If you are an individual who owns the firm and are of Native American Heritage you would still identify ownership in the individual section. The remaining categories refer to entities such as a tribe that is applying for a business which the tribe owns.

Who owns the firm? Please detail the ownership percentages of the firm:

Response:

- Individuals %
- Other firms %
- American Indian Tribe (AIT) %
- Alaska Native Corporation (ANC) %
- Community Development Corporation (CDC) %

- Native Hawaiian Organization (NHO) %

Is the applicant firm at least 51 percent or more unconditionally owned by another entity?

Response: If you answer “YES” to this question your firm is not eligible for the program. The firm must be at least 51 percent directly owned by socially and economically disadvantaged individual(s).

Ownership Details

How did the Principal Owner(s) acquire the applicant firm?

Response: If “YES,” you must provide all information about any changes that have occurred. If it is a change in ownership, SBA will require information on that change, including any buy/sell agreements, how the firm was valued at the time of the sale, proof of payment, etc.

Has the applicant firm’s ownership, legal structure, or name changed in the past two years?

Response: If “YES,” you must provide all information about any changes that have occurred. If it is a change in ownership, SBA will require information on that change, including any buy/sell agreements, how the firm was valued at the time of the sale, proof of payment, etc.

Does the applicant firm have any buy-sell agreements, shareholder agreements, or other similar arrangements which may impact the unconditional ownership of the disadvantaged individuals?

Response: If yes, you must upload copies of any such agreements along with clarification regarding all such agreements/arrangements

Does the applicant firm currently have ownership interest in any other firm?

Response: If “YES,” you must provide the information on that firm since SBA will find affiliation through identify of interest and common ownership. It would be necessary to provide information on the ownership percentage, clarification on any shared relationships with that firm and the applicant firm such as employees, space, contracts, etc. Provide information on the type of product/service provided by that firm. Tax returns for this firm would be necessary for 3 years or as applicable for time in business since it can impact the firm’s compliance with size requirements.

Does another firm or other organization have more than 10 percent ownership interest in the applicant firm?

Response: If “YES,” the same clarification/information as noted above would be necessary. SBA may find the firm to be affiliated through identify of interest and common ownership.

CORPORATIONS

Please upload all relevant documents from the following list:

- **Articles of Incorporation (original and current version)**
 - NOTE: Ensure that your articles contain a filing stamp with the State. Please ensure that the authorized number of shares have not exceeded the amount issued.

- **Bylaws (current version)**

- NOTE: Review your bylaws to ensure that there are no blank sections left incomplete especially if you have used a boilerplate document. In addition, you should verify the authorized number of directors according to your bylaws and verify that you are in compliance with those bylaws. For example, if the bylaws call for a three member board of directors and you have only two you would not be found to be in compliance with your corporate bylaws, therefore, you would submit an amendment showing you have reduced the authorized number of directors or you would need to elect another director. Make sure you are using the officer titles that are authorized by your firm's bylaws. For example, if you have a Chief Executive Officer (CEO) and a President, your bylaws will need to reflect these positions and their duties/responsibilities. If your firm's bylaws only authorize a President for example and you have both a CEO and President, that creates an issue regarding control.

- **The most recent Annual Stockholder and Board of Director Meeting Minutes showing the election of directors and officers. Please check to ensure your Articles of Incorporation do not conflict with the firm's corporate by laws regarding the number of directors, etc.**

- NOTE: We require a copy of the firm's most recent annual shareholder meeting minutes electing the firm's board of directors. Without this information we cannot verify compliance with the firm's corporate bylaws or whether the firm meets 8(a) control criteria. Although many firms may be small businesses with only one or two people, as a corporation, you must follow corporate requirements.

- **We will require a copy of the firm's most recent annual board of director meeting minutes electing all officers to the firm.**

- If the firm conducts combined board of director and officer meetings the minutes should reflect that they are combined at the top of the document and the election of the board and the election of the officers needs to be clearly reflected.
- It is very important to ensure you are following the requirements for your board, officer, elections, issuance of stock etc., that is outlined in your firm's corporate bylaws.

Please upload all relevant documents from the following list:

- **Stock certificates**

- You must include a copy of the front and back of all issued stock certificates.
- NOTE: Ensure you are uploading the documents in chronological order and you are including the front and the back of the certificate. Review the certificates to ensure they are properly endorsed and/or cancelled.

- **Stock ledgers**

- NOTE: The ledger/Register should match exactly to the certificates provided.

- **Registers (The register and ledger should be combined)**

- **Transmutation agreements** (for community property States)
 - NOTE: If you are married and you reside in a community property State the community property laws place conditions upon your “unconditional” ownership of the firm. A transmutation agreement may be needed to ensure that the disadvantaged individual(s) have at minimum the 51 percent unconditional ownership.
- **Voting agreements**
 - NOTE: Should you have any such agreements you must include this information. We are reviewing this document to ensure it does not impact the disadvantaged individual’s ability to maintain overall control of the firm. Also, if a firm has weighted voting in the corporate bylaws, for example, if it requires a 60 percent vote to pass a resolution and the disadvantaged individual does not hold the 60 percent then this would impact the firm’s ability to meet control requirements.

Attachments:

Please upload the applicant firm’s current Certificate of Good Standing.

NOTE: This is not a tax certificate this a certificate of good standing from the State. Please make sure you provide the certificate of good standing in which the firm operates.

NOTE: If a firm is incorporated in one State but operates the business in another State, we require a copy of the firm’s filing as a Foreign Corporation doing business in that State. For example, a firm may be incorporated in the State of Delaware, but the business is operating in the State of Idaho and include the current certificate of good standing for the State of operation.

CONTROL SECTION OF THE APPLICATION:**Firm Control****Does the applicant firm have any existing agreements that might impact ownership or control?**

These may include:

- joint venture
- mentor protégé
- indemnity
- consulting
- distributorship
- licensing
- teaming
- trust
- franchise

- management

Response: NOTE: Should you answer “YES” to any of the above it is necessary to upload a copy of any such agreements and provide a statement of clarification.

Financial Support of Other Firms or Individuals

Do any other firms or individuals provide financial support or bonding support to the applicant firm?

Response: NOTE: A “YES” response will require clarification indicating the type of support provided and by whom.

Licensing, Certifications, or Permits

Do any other firms or individuals provide licensing, certifications, or permits to the applicant firm?

Response: NOTE: A “YES” response will require clarification as to the type of item provided and by who. Provide a copy of that licensing, permit or certificate. All licenses must be current.

Highest-compensated Applicant

Is the individual claiming disadvantaged status the highest compensated in the applicant firm?

Response: NOTE: If the disadvantaged individual is not the highest compensated identify all individual(s) earning a higher compensation along with the amount of compensation and the disadvantage individual’s amount of compensation. A disadvantaged individual may elect to take a lower salary provided it is in the best interest of the firm. The response should include a statement as to why it is in the best interest of your firm that the disadvantaged individual takes a lower compensation.

Bank Account Signature Cards

Please upload all business bank account signature cards.

NOTE: Please ensure you include all business bank signature cards. Do not include a bank statement or a copy of a debit card. If your banking institution will not release this information for security purposes, you will need to provide a letter from your banking institution on official letterhead identifying the type of account and who has signature authority over the firm’s business bank account. Should anyone other than the disadvantaged person has signature authority, it would be necessary to ensure you have provided their personal information to verify that they are in compliance with SBA’s good character criteria.

Co-located Firms

Is the applicant firm co-located with another firm at any of its locations or does it share any resources with any other firms?

Response: NOTE: If you have a “YES” response, please submit a copy of any such lease agreements and clarification regarding any such shared resources.

Lease of Office Space

Does the applicant firm lease or use office space or other facilities from any other firm?

Response: NOTE: If “YES,” please provide a copy of the lease agreement and include any needed clarification regarding the firm’s relationship with this outside firm.

Principal Interest or Familial Relationships

Do any Principals of the applicant firm have a financial or any other interest in or familial relationship with the owner of the leased facility?

Response: NOTE: If “YES” submit a copy of any agreements and a detailed clarification regarding the relationship.

POTENTIAL FOR SUCCESS SECTION:

Taxes

- Copy of last three years required
- Please upload the applicant firm’s federal tax returns filed in the last three years, including all schedules and attachments

Required Attachments

NOTE: You will upload three (3) years of the firm’s business tax filings. You should have ONLY 3 uploads in this section. Do not upload items page by page. Do not include State filings or worksheets. You should be including only the firm’s federal tax filings for the last three years or as applicable for time in business. For a sole proprietorship or one member LLC you will upload the Schedule C filing only. For an 1120 corporation ensure you include verification of payment of taxes if any were due. For 1120S and partnership filings, please ensure you include all pages, schedules and attachments including all K-1s. Make sure the documents are legible and your pages are in numerical order and the taxes are uploaded in chronological order.

NOTE: Cross check the firm’s NAICS code on the firm’s business tax filings against the firm’s SAM PROFILE. Should there be a difference within these codes it can impact the firm’s ability to meet the two year in business requirement. Please ensure you have identified the appropriate Primary NAICS Code, have your accountant/tax preparer provide an explanation if there is a discrepancy or it may be necessary to address the two-year waiver.

Please upload the applicant firm’s federal tax returns filed in the last three years, including all pages, schedules and attachments.

Attachments:

Upload the federal returns for the applicable time in business.

NOTE: If the firm has an extension filed, a copy of any extension filing should be provided. Please include proof of payment as applicable if any taxes were due if filing as a C Corp.

Revenue

Are you applying for the 8(a) program under the same primary NAICS code listed for your firm in SAM.gov?

Response: NOTE: If NO, as noted above, this may then require that you address the two-year waiver.

Primary NAICS

Has the applicant firm earned revenues in its primary NAICS code for at least two years?

Response: NOTE: If NO then the firm must address the two-year waiver in detail, provide copies of contracts, letters of reference to verify successful contract performance, copies of invoices and proof of payment on those invoices. Please note that the 8(a) program is not designed for startup firms and although we offer a waiver, a firm must come in much stronger to be granted a waiver. We require that the firm have the requisite financial capacity and track record of performance on contracts of the size and scope awarded under the 8(a) program. If the firm has not yet generated revenues, you will be unable to waive the two-year rule at this time.

Attachments:

What percentage of revenues were earned in the applicant firm’s primary NAICS code during the most recently completed fiscal year?

Response: NOTE: Ensure that the information corresponds with the information listed below. Your primary NAICS code would represent the majority of your firm’s overall revenue generation.

Required List of Contract Awards for the Last 12 Months

Please list current and past federal and non-federal awarded contracts within the last 12 months.

Response: NOTE: You will list all contract awards for the last 12 months. This is all awards which includes any contract awarded to your firm regardless of whether it is government or non-government. Also, if 70 percent or more of your firm’s revenues are generated from one source, the lack of diversity may be of concern and it may impact affiliation if it has occurred for the past three years.

AWARD DATE	AGENCY OR CUSTOMER NAME	NAICS CODE	DESCRIPTION OF WORK	VALUE

Balance Sheet and Profit and Loss Statement

Please upload an interim or year-end balance sheet and profit and loss statement.

NOTE: If there is a lapse in time from your most recently filed tax returns and the financial statements that are within 90 days then you must also include the most recent year-end financial statements. The firm's balance sheet and profit and loss statement must be prepared for the same accounting period and under the same accounting method. You must ensure that the financial statements are prepared in accordance with Generally Accepted Accounting Principles (GAAP or similar accepted accounting principles). You must also include an aging of accounts receivable and payable to correspond with the firm's balance sheet, as applicable. The aging should be prepared 0-30; 30-60; 60-90, etc.

Loans

If the firm has any loans other than traditional banking loans, we will require a copy of those agreements which would include a member loans, shareholder loan, family member loan, etc.

Do you have any special licenses under which the applicant firm operates?

Response: **NOTE:** Specialty licenses include such licenses such as contractor's license, engineering, CPA etc. Please ensure that the licenses are current.

Do you have statements of bonding ability from the applicant firm's surety?

Response: **NOTE:** A copy of your bonding is required for construction firms ONLY. If the firm is in construction, include a statement from your surety firm reflecting your firm's single and aggregate amount of bonding. If you have never received bonding before and are in the construction industry you still must demonstrate that your firm is bondable.

PERSONAL INFORMATION SECTION

If married, you must provide documentation for your spouse unless you are legally separated. If you are legally separated, you will need to upload a copy of the separation documents filed with the court. SBA will not process your application unless you have submitted your spouse's information.

Disadvantaged Personal Information

Name of the individual claiming disadvantaged status

NOTE: Remember it is a one-time eligibility use if you claim disadvantaged status.

Individual Contributor Answers

Gender

Response:

Marital Status I

Response: **NOTE:** If married you must include the personal information on your spouse. Your application will be returned if this information is not provided.

Social Security Number

Response: Note: Your social security number must be provided for application purposes.

Contact Information

Best contact phone number

Current Home Address

Provide your current home address

NOTE: If your primary residence is in a State different than where the firm is located, you should provide a statement as to how you oversee the day to day operations of the business if you are physically not located in the same area.

Dates of Residency

Response:

Length of Residency

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

Response:

Previous Home Address

Provide your most recent previous home address

Response:

Dates of Residency

Response:

Date and Place of Birth

Date of Birth

Response:

Place of Birth

Response:

NOTE: If you are claiming disadvantaged status and you were born outside of the United States, you must provide verification of your U.S. citizenship such as your U.S. Passport or Naturalization Papers.

Country of Birth

Response:

U.S. Citizenship

Are you a U.S. citizen?

Response: NOTE: If you are not a U.S. citizen you cannot claim disadvantaged status.

Upload Resume

Upload your personal resume.

NOTE: 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 the applicant firm. Please ensure that you do not provide an overview and the information should be submitted in chronological order.

ATTACHMENTS:

Applicant Firm Ownership

What percentage of the Applicant Firm do you own?

Response: List all positions you hold in the Applicant Firm.

Response: If your firm's legal business structure is an LLC, and you are using titles such as CEO, President, etc. you must ensure that your firm's operating agreement includes such positions.

Bank Account Access

Are you authorized to access or make withdrawals from the Applicant Firm's bank account?

Response: If you do not have signature authority over the applicant firm's bank account, it will be unlikely that SBA will find that you control the firm.

Full Time Devotion

Do you have another job outside the Applicant Firm?

Response: NOTE: If "YES" you must provide information on any outside employment. Specifically, current 8(a) criteria, requires that the firm be managed on a full-time day to day basis during normal business hours in a firm in the same or similar line of business as the applicant firm. This excludes any outside employment or business interests which may hinder the firm from achieving the goals and objectives of the 8(a) program. If you have outside employment please have your employer provide a letter on their letterhead, indicating your hours and you must include a statement with your hours at the business concern and how you meet the full-time devotion requirement. If your most recent tax filings reflect outside employment, please provide a statement from your previous employer on letterhead with your last date of employment.

Business Affiliations

Do you own or work for any other firm that has a relationship with the Applicant Firm?

Response: SBA will find affiliation through common ownership and identify of interest. Therefore, please identify any applicable businesses. You should identify all owners and their percentage of ownership. Identify the type of product/service provided by the firm. Identify any time you may devote to any affiliate on your resume as well as the value of the firm on your personal financial statements. Clarify any shared relationship between the applicant firm and any affiliate such as shared employees,

space, contracts, etc. You should include three years of business tax returns for any affiliates as well as the most recent year end and interim financial statement for any affiliate.

Do any of your immediate family members own a firm with a contractual relationship with the Applicant Firm?

Response: If “YES,” please include details regarding the specifics of the relationship

Prior 8(a) Involvement

Have you—or any firm you owned—ever applied for 8(a) certification or participated in the 8(a) program?

Response: If “YES,” you must provide specific details.

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

Response: If “YES,” you must provide specific details including the name of the firm, NAICS code, whether the firm is a former or current participant and how you are related to the owner. Finally, you must include any shared resources between your firm and this firm including employees, contracts, space, financing, etc.

Federal Employment

Are you a federal government employee holding a position of GS-13 or above?

Response: If you are a Federal employee regardless of your grade level this will impact your ability to participate in the 8(a) program. Specifically, there is a Federal Acquisition Regulation that will prohibit a federal contracting officer from awarding any contract to a firm that is owned by a federal employee. Since you would be unable to be awarded any federal contracts, this would impact the firm’s ability to meet potential for success criteria. [Subpart 3.6 - Contracts with Government Employees or Organizations Owned or Controlled by Them | Acquisition.GOV](#)

Household Federal Employment

Is any member of your household a federal government employee holding a position of GS-13 or above?

Response: If “YES,” your spouse must provide a letter of NO OBJECTION from their employer. Generally, this can be obtained from their Agency’s Ethics Office.

Financial

Have you filed for personal bankruptcy within the past 7 years?

Response: If “YES,” we require 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?

Response: If “YES” you will need to provide specific information on that loan. If the loan is current, we require information that you are in compliance with the terms and conditions of the loan agreement. If you have defaulted on an SBA loan this will impact your ability to meet 8(a) eligibility criteria.

Are you a party to a pending civil lawsuit?

Response: If “YES,” please provide information on that lawsuit and 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

Response: If “YES” you must provide details. Also, if you are delinquent you should 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.

Criminal History

Note: These questions need to be read closely and answered accurately. If a question(s) is answered inaccurately and SBA finds that the information is incorrect regarding any convictions that you may have had which includes records that may have been expunged, your eligibility into the program may be affected.

Have you ever gone by any other names?

Response: NOTE: If “YES” you must provide details regarding your other names.

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

Response: NOTE: If “YES” details are required.

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

Response: For any criminal offense—other than a minor vehicle violation—have you EVER (which includes **your lifetime** not just within six months):

(which includes all time not just within six months):

- Been convicted
- Plead guilty
- Plead nolo contendere

- Been placed on pretrial diversion
- Been placed on any form of parole or probation (including probation before judgment)

Response: For the above details are required.

BASIS OF DISADVANTAGE

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

Response: If claiming as Native American you must provide a copy of your tribal card showing that you are an enrolled member of a federally or State recognized tribe or it will be necessary to apply under preponderance. Also see 13 CFR 124.103 for each presumed group which also includes the countries of origins.

Important Definitions:

§ 124.3 What definitions are important in the 8(a) BD program?

Link to an amendment published at [85 FR 66183](#), Oct. 16, 2020.

Alaska Native, as defined by the [Alaska Native Claims Settlement Act \(43 U.S.C. 1602\)](#), means a citizen of the United States who is a [person](#) of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an [Alaska Native](#) if their father or mother is regarded as an [Alaska Native](#).

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Preponderance Claims:

If you are not a member of a presumed group and you are claiming under preponderance, please ensure that your claim includes at least one distinguishing factor such as race, gender, physical handicap, isolation from the mainstream of the economy etc. You must provide very specific examples of what you have encountered including names, dates, etc. You must make a nexus between each example you provide and how that particular incident directly impacted your ability to enter or advance in the business world. The discrimination/biased treatment must have occurred in the United States and been chronic and substantial. Please review 13 CFR 124.103(c) for more information on preponderance.

Other Basis of Disadvantage

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

Response: Other

Social Narrative

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

Attachments:

NOTE: In your social narrative you must 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.

Transfer Assets

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

Response: If “YES” you must indicate what was transferred and the amount and whether it was at fair market value.

Include Fair Market Value of All Assets

NOTE: On the personal financial statement, please remember you should be including the fair market value of all assets, including any outside business concerns, foreign holdings, etc. This is a personal financial statement, and you should not co-mingle your personal and business assets. You should ONLY be including your personal financial information. You would, however, include your ownership equity in the firm and if have provided any loans to the business concern you must include it as a Note Receivable on your personal financial statement.

Cash on Hand

As of Date:

Response:

Cash on Hand

Response:

Savings Account(s) Balance

Response:

Checking Account(s) Balance

Response:

Other Sources of Income

Salary

Response:

Other Income

Response:

Comments:

Equity in the Applicant Firm and Other Firm

Your Equity in the Applicant Firm

Response: Note: This information can be found on your firm's most recent Balance sheet.

Your Equity in Other Firms

Response: NOTE: Please review information regarding affiliations since additional documentation may be required.

Notes Receivable

Do you have any notes receivable from others?

Response: NOTE: If "YES" you must include the loan, and this would include any loans made by you to the applicant firm.

Retirement Accounts

Do you have a Roth IRA?

Response: NOTE: You must include the total value of the Roth IRA.

Do you have any other retirement accounts?

Response: NOTE: IF "YES" please ensure the statements provided regarding your retirement accounts are complete and are current. Also please provide evidence that your retirement accounts are qualified retirement accounts.

Life Insurance

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

Response: NOTE: Make sure you only provide the cash surrender value of your policy. If this is a term policy, they do not have cash surrender values.

Do you have any loans against a life insurance policy?

Response:

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

Response: NOTE: The value would only be the current value if other than "TERM LIFE."

Stocks & Bonds

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

Response:

Real Estate–Primary Residence

Do you own your primary residence?

Response: NOTE: If you are claiming that the amount of your ownership is different than your portion of responsibility for the liability, then you must provide documentation to verify that claim. For example, if you own 50 percent of the value of a property but claim you are 100 percent responsibility for the mortgage, documentation is required to verify such a claim.

Notes Payable and Other Liabilities

Do you have any notes payable or other liabilities?

NOTE: Include the details of any such item.

Assessed Taxes

Do you have any Assessed Taxes that were unpaid?

Response: NOTE: You must verify that you are not delinquent on taxes. If you have a payment plan then you must provide a copy of the approved payment plan and verification you are in compliance with that repayment plan.

Tax Returns

Upload your personal federal tax returns from the last three years including all pages, schedules and attachments.

NOTE: Include complete copies of your FEDERAL TAX FILINGS ONLY. Do not provide copies of your State returns. Do not include copies of the worksheets. You should be submitting ONLY the complete copy of the personal 1040 for the past three years. You should have only three (3) uploads, one for each tax filing year. Do not include tax transcripts or documents that contain passwords. You should upload them in chronological order, it should include all pages in consecutive order, all attachments, all 1099/W2 forms to correspond with ALL wages reported on the 1040 and verification of payment of taxes if any were due.

Attachments:

Submit as required