1230.1608 PROCEDURES.

A. Eligibility of businesses as socially and economically disadvantaged, economically disadvantaged area, or veteran-owned small businesses must be determined consistent with the standards of parts 1230.1601 to 1230.1607.

B. The following documentation and information must be provided in determining whether a socially and economically disadvantaged, economically disadvantaged area, or veteran-owned small business meets the standards of parts 1230.1601 to 1230.1607:

(1) documentation related to the legal structure, ownership, and control of the applicant business. This includes, but is not limited to, articles of incorporation; corporate bylaws or operating agreements; organizational, annual, and board or member meeting records; stock ledgers and certificates; and state-issued certificates of good standing;

(2) bonding and financial capacity of the business, lease and loan agreements, and bank account signature cards;

(3) the work history of the business, including contracts it has received, work it has completed, and payroll records;

(4) a statement from the business on the type of work it prefers to perform as part of the program and its preferred locations for performing the work, if any;

(5) a list of the equipment owned by or available to the business and the licenses the business and its key personnel possess to perform the work it seeks to do as part of the program;

(6) complete financial statements, federal income tax returns or requests for extensions filed by the business and its affiliates for the last three years. A complete return includes all forms, schedules, and statements filed with the IRS;

(7) an appropriate application form, as determined by the division;

(8) a profile of the owners' management responsibilities and a description of the management responsibilities assigned to other individuals, including a chronological resume for each owner, officer, and other key personnel; and

(9) full disclosure of all owners' and officers' direct and indirect involvement in other businesses and enterprises which are in the same field of operation as the applicant, unless ownership is by common stock regularly bought and sold through recognized exchanges.

C. When seeking certification under any provision of item A, or any certification provision, the applicant shall provide all other relevant or supporting information requested by the division.

D. The applicant must attest to the accuracy and truthfulness of the information on the application form. This must be done either in the form of a signed, notorized affidavit or in the form of an unsworn declaration executed under penalty of law.

E. All information on the form must be reviewed prior to making a decision about the eligibility of the business. Clarification of information contained in the application may be requested at any time in the application process.

F. A certified business must inform the commissioner in writing of any change in circumstances affecting its ability to meet the requirements of parts 1230.1601 to 1230.1607 or any material change in the information provided in its application form.

(1) Changes in management responsibility among members of a limited liability company are covered by this requirement.

(2) Supporting documentation describing in detail the nature of such changes must be attached.

(3) A signed, notorized notification must be provided within 30 days of the occurrence of the change. If the applicant fails to make timely notification of such a change, the applicant will be deemed to have failed to cooperate.

G. If an applicant for certification withdraws an application before a decision on the application has been issued, the applicant can resubmit the application at any time.

Statutory Authority: *MS s 16C.19*

History: *42 SR 543*

Published Electronically: *November 13, 2017*