



**U.S. SMALL BUSINESS ADMINISTRATION**  
**APPLICATION FOR SURETY BOND GUARANTEE ASSISTANCE**  
 TO BE COMPLETED BY SMALL BUSINESS AND SUBMITTED TO THE SURETY AGENT OF CHOICE  
 (Submission instructions are below the fillable content)

<b>PART I: BUSINESS INFORMATION (Complete this section for initial application and to update information previously submitted.)</b>					
1. Business Name: Click or tap here to enter text.		2. Tax ID No. or SSN: Click or tap here to enter text.		3. Unique Entity Identifier (UEI): Click or tap here to enter text.	
4. Business Address: Street: Click or tap here to enter text. City: Business Name Click or tap here to enter text. County: Click or tap here to enter text. State: Click or tap here to enter text. Zip: Click or tap here to enter text.				5. Tel. No (Include area code): Click or tap here to enter text. Business Name	
6. Business Email Address: Click or tap here to enter text.					
7. Date Business Established: Click or tap to enter a date.		8. Number of Employees: (Include subsidiaries and affiliates) Click or tap here to enter text.		9. Average Annual Receipts over the last 3 or 5 years: (Include affiliates) Click or tap here to enter text.	
10. Type of Organization: <input type="checkbox"/> Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> LLC Type of Corp: Click or tap here to enter text.		11. Type of Business: Click or tap here to enter text.		12. Are there any affiliates? <input type="checkbox"/> Yes <input type="checkbox"/> No (If yes, attach 3 or 5 years of tax returns)	
		13. Primary NAICS Code: Click or tap here to enter text.			
14. Applicant: (Mark all) <input type="checkbox"/> is <input type="checkbox"/> is not: an SBA 8(a) Certified Contractor as defined in 13 CFR Chapter 1, Part 124. <input type="checkbox"/> is <input type="checkbox"/> is not: an SBA Certified HUB Zone Contractor as defined in 13 CFR Chapter 1, Part 126. <input type="checkbox"/> is <input type="checkbox"/> is not: a Veteran-Owned Small Business as defined in 13 CFR Chapter 1, Part 115. <input type="checkbox"/> is <input type="checkbox"/> is not: a Service-Disabled Veteran-Owned Small Business as defined in 13 CFR Part 115. <input type="checkbox"/> is <input type="checkbox"/> is not: a Federally recognized Tribal Entity or Native American small business as defined in 13 CFR Chapter 1, Part 124.109. <input type="checkbox"/> is <input type="checkbox"/> is not: a socially and economically disadvantaged small business as defined in 13 CFR Chapter 1, Part 124.103 and 124.104. <i>If yes, the individual economic status questions must be answered (Part II: questions 13, 26, 39, etc.)</i>					
<input type="checkbox"/> has <input type="checkbox"/> has not: received SBA Surety Bond Guarantee Assistance under another business name. If so, Business Name: Click or tap here to enter text. Tax ID or SSN: Click or tap here to enter text. <input type="checkbox"/> has <input type="checkbox"/> has not: defaulted on any previous surety bonds (SBA or other) under a different EIN/TIN/SSN If so, Business Name: Click or tap here to enter text. Tax ID or SSN: Click or tap here to enter text. <input type="checkbox"/> has <input type="checkbox"/> has not: ever failed to complete a job, bonded or non-bonded projects. If so, include pertinent information in the comments section. Click or tap here to enter text.					
<i>The following data is collected for administrative purposes only. It has no bearing on the applicants guarantee percentage or credit decision.</i>					
<input type="checkbox"/> is <input type="checkbox"/> is not: an SBA Certified Women-Owned small business <input type="checkbox"/> is <input type="checkbox"/> is not: an SBA Certified Economically Disadvantaged Women-Owned small business					

<b>PART II: MANAGEMENT INFORMATION (Complete this section for initial application and to update information previously submitted.)</b>					
MANAGEMENT (Proprietor, partners, officers, directors, all direct and indirect holders of outstanding stock/equity, trusts (including ESOPs) – 100% of ownership must be shown): A copy of this section must be used when more than three individuals own the business.					
15. Individual #1 Name: Click or tap here to enter text.	16. Position Title: Click or tap here to enter text.	17. Percent Owned: Click or tap here to enter text.	18. Telephone No.: Click or tap here to enter text.	19. Social Security No. or Trust TIN: Click or tap here to enter text.	20. Date of Birth: Click or tap here to enter text.

<b>PART II: MANAGEMENT INFORMATION (Complete this section for initial application and to update information previously submitted.)</b>					
21. Street/City/ County/State/Zip/Country: Click or tap here to enter text.		22. Country of Birth: Click or tap here to enter text.	23. *Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	24. Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	25. Service-Disabled Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No
26. *Individual #1 Race: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Middle Eastern or North African <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> White					
27. Individual #1 Economic Status: <input type="checkbox"/> Yes <input type="checkbox"/> No: personal net worth is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104. <input type="checkbox"/> Yes <input type="checkbox"/> No: 3-year average personal income is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104. <input type="checkbox"/> Yes <input type="checkbox"/> No: fair market value of all personal assets is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104.					
28. Individual #2 Name: Click or tap here to enter text.	29. Position Title: Click or tap here to enter text.	30. Percent Owned: Click or tap here to enter text.	31. Telephone No.: Click or tap here to enter text.	32. Social Security No. or Trust TIN: Click or tap here to enter text.	33. Date of Birth: Click or tap here to enter text.
34. Street/City/State/County/Zip/Country: Click or tap here to enter text.		35. Country of Birth: Click or tap here to enter text.	36. *Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	37. Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	38. Service-Disabled Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No
39. *Individual #2 Race: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Middle Eastern or North African <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> White					
40. Individual #2 Economic Status: <input type="checkbox"/> Yes <input type="checkbox"/> No: personal net worth is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104. <input type="checkbox"/> Yes <input type="checkbox"/> No: 3-year average personal income is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104. <input type="checkbox"/> Yes <input type="checkbox"/> No: fair market value of all personal assets is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104.					
41. Individual #3 Name: Click or tap here to enter text.	42. Position Title: Click or tap here to enter text.	43. Percent Owned: Click or tap here to enter text.	44. Telephone No.: Click or tap here to enter text.	45. Social Security No. or Trust TIN: Click or tap here to enter text.	46. Date of Birth: Click or tap here to enter text.
47. Street/City/ County/State/Zip/Country: Click or tap here to enter text.		48. Country of Birth: Click or tap here to enter text.	49. *Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female	50. Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No	51. Service-Disabled Veteran: <input type="checkbox"/> Yes <input type="checkbox"/> No
52. * Individual #3 Race: <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Middle Eastern or North African <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> White					
53. Individual #3 Economic Status: <input type="checkbox"/> Yes <input type="checkbox"/> No: personal net worth is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104. <input type="checkbox"/> Yes <input type="checkbox"/> No: 3-year average personal income is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104. <input type="checkbox"/> Yes <input type="checkbox"/> No: fair market value of all personal assets is within SBA-defined limit set forth in 13 CFR Chapter 1, Part 124.104.					
*This data is collected for statistical purposes only. It has no bearing on the credit decision. Disclosure is voluntary. One or more boxes for race may be selected.					

PART III: CONTRACT INFORMATION (Complete this section for each bid and final bond guarantee.)				
<b>1. Bond Type:</b> <input type="checkbox"/> Bid <input type="checkbox"/> Payment <input type="checkbox"/> Performance (Single Bond Forms) <input type="checkbox"/> Payment and Performance (Combined Bond Form) <input type="checkbox"/> Performance, Stand-Alone Maintenance		<b>2. Estimated Contract Amount:</b> Click or tap here to enter text.	<b>3. Bid Date:</b> Click or tap here to enter text.	<b>4. Bid Time:</b> Click or tap here to enter text.
<b>5. Project Type:</b> <input type="checkbox"/> Construction <input type="checkbox"/> Manufacturing (includes fabrication) <input type="checkbox"/> Service <input type="checkbox"/> Supply <input type="checkbox"/> Other Click or tap here to enter text.		<b>6. Contract Amount:</b> Click or tap here to enter text.	<b>7. Anticipated Project Start Date:</b> Click or tap here to enter text.	<b>8. Anticipated Project Completion Date:</b> Click or tap here to enter text.
<b>9. Project Scope Description:</b> Click or tap here to enter text. Click or tap here to enter text.		<b>10. Project Street/City/County/State/Country/Zip:</b> Click or tap here to enter text.		
<b>11. NAICS Code for this project:</b> Click or tap here to enter text.	<b>12. Number of employees (jobs) before this project was awarded:</b> Click or tap here to enter text.	<b>13. Number of new employees (jobs) that will be created with this project:</b> Click or tap here to enter text.		
<b>14. Obligee Name #1:</b> Click or tap here to enter text.		<b>16. Obligee Street/City/State/Zip #1:</b> Click or tap here to enter text.		
<b>15. Obligee Name #2:</b> Click or tap here to enter text.		<b>17. Obligee Street/City/State/Zip #2:</b> Click or tap here to enter text.		
<b>18. Obligee Type #1:</b> <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local Government <input type="checkbox"/> Private - Prime <input type="checkbox"/> Private - Project Owner <input type="checkbox"/> Special District				
<b>19. Obligee Type #2:</b> <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local Government <input type="checkbox"/> Private - Prime <input type="checkbox"/> Private - Project Owner <input type="checkbox"/> Special District				
<b>20. Applicant Business:</b> is <input type="checkbox"/> Prime <input type="checkbox"/> Subcontractor, non-Federal project <input type="checkbox"/> Subcontractor, Federal project		<b>21. Percentage of work subcontracted:</b> Click or tap here to enter text.		
<b>22. Liquidated Damages Dollar Amount:</b> Click or tap here to enter text.		<b>23. Project:</b> Similar to previous work: <input type="checkbox"/> Yes <input type="checkbox"/> No Pertains to an 8(a) contract: <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>24. Have you started work on the project?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No -- If yes, please complete SBA Form 991.				

**PART IV: AGREEMENTS, CERTIFICATIONS AND COMMENTS (Complete this section for Initial Applications and Each Bid and Final Bond Guarantee.)**

Agreements: In consideration of assistance from the SBA, I agree to comply with the nondiscrimination requirements of Title 13, Code of Federal Regulations, Part 113 and Executive Order 11246. I agree to pay the applicable contractor fee for a final (payment or performance) bond.

Certification: On behalf of the applicant business, I certify:

- (a) A bid, payment, or performance bond is required by the bid solicitation or the original contract for this project.
- (b) Applicant business has attempted and failed to obtain the required bonds without SBA's guarantee.
- (c) Applicant Business, or any of its Affiliates, has not defaulted on an SBA-guaranteed bond resulting in a Loss that has not been fully reimbursed to SBA or, in the event that SBA made any Imminent Breach payments with respect to an SBA-guaranteed bond issued to an Applicant Business or any of its Affiliates, SBA has been fully reimbursed for such payments.
- (d) Applicant business is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (e) All information in this application and any supporting documents submitted with this application, including but not limited to SBA Form 994F, which have been submitted to SBA, any agent, broker, or surety company, is complete and accurate to the best of my knowledge.
- (f) If Parts I and II of this application have previously been submitted in connection with an earlier application, that information either remains complete and accurate or Parts I and II have been revised with this application and are complete and accurate to the best of my knowledge. (This paragraph (f) applies only to applications submitted electronically. If paper copy of the application is submitted, all Parts of this application must be completed for each application for assistance.)
- (g) Any agent, broker, Surety Company, financial institution, or other party in possession of credit, financial or work experience information concerning the applicant is authorized to release this information to SBA in order that SBA may evaluate the applicant for the purpose of bond guarantee assistance.
- (h) A copy of the "STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER" (Statement), which is attached to this Application, has been received and, whenever applicable, Applicant agrees to comply with the requirements in the Statement.
- (i) The individual signing below is authorized to execute this application on behalf of the applicant.

Comments:

I understand that knowingly making a false statement or submitting false information is a violation of Federal law and could result in criminal prosecution or civil penalties under 18 U.S.C. §§ 287, 371, 1001, 15 U.S.C. § 645, or 31 U.S.C. § 3729.

Principal's Signature (Applicant): Click or tap here to enter text.

Title: Click or tap here to enter text.

Date: Click or tap here to enter text.

SBG Number: Click or tap here to enter text.

**Part V: INDIVIDUAL CERTIFICATIONS ON CITIZENSHIP AND CHARACTER AND OTHER MATTERS**

**INDIVIDUAL CERTIFICATIONS**

Complete this Part in the following circumstances:

- (a) The first Application submitted on or after October 1 of each year;
- (b) The first Application submitted after any changes in the ownership of the small business; and
- (c) When any of the answers to questions 1-5 change with respect to any individual who previously answered these questions on a prior Application, that individual must complete this section for any subsequent Application.

Each proprietor, partner, officer, director, all direct and indirect holders of outstanding stock/equity, and trustee representing all owners of a trust (including ESOPs) must answer the questions below. The person signing on behalf of the business must also sign in his or her individual capacity. Initial each response, where indicated, to confirm your response to the question. Attach a copy of Part V if needed for additional individuals.

1. Are you a U.S. Citizen or U.S. National?

- Yes  No Individual #1 Initials: [Click or tap here to enter text.](#)
- Yes  No Individual #2 Initials: [Click or tap here to enter text.](#)
- Yes  No Individual #3 Initials: [Click or tap here to enter text.](#)

2. Are you currently incarcerated, serving a sentence of imprisonment imposed upon an adjudication of guilty, or under indictment for a felony? If an individual's answer is "Yes" to question 2, the applicant is not eligible for SBA assistance.

- Yes  No Individual #1 Initials: [Click or tap here to enter text.](#)
- Yes  No Individual #2 Initials: [Click or tap here to enter text.](#)
- Yes  No Individual #3 Initials: [Click or tap here to enter text.](#)

3. Are you presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency?

- Yes  No Individual #1 Initials: [Click or tap here to enter text.](#)
- Yes  No Individual #2 Initials: [Click or tap here to enter text.](#)
- Yes  No Individual #3 Initials: [Click or tap here to enter text.](#)

By my signature, I certify that I have received and read a copy of the "STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER" (Statements), which is attached to this Application, and I agree to comply, whenever applicable, with the requirements in the Statement. I also certify that I have reviewed the information in this Application and that all of the information I have provided in this Application and in all supporting documents and forms submitted with this Application is true, correct, and complete to the best of my knowledge. **I understand that knowingly making a false statement or submitting false information is a violation of Federal law and could result in criminal prosecution or civil penalties under 18 U.S.C. § 287, 371, 1001, 15 U.S.C. § 645, or 31 U.S.C. § 3729.** I authorize the SBA to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for programs authorized by the Small Business Investment Act, as amended. I also authorize any agent, broker, Surety Company, financial institution, or other party to release to SBA any information in its possession relating to my credit, financial or work experience in order that SBA may evaluate this application for bond guarantee assistance.

Individual #1 Signature: <a href="#">Click or tap here to enter text.</a> Title: <a href="#">Click or tap here to enter text.</a>	Date: <a href="#">Click or tap here to enter text.</a>
Individual #2 Signature: <a href="#">Click or tap here to enter text.</a> Title: <a href="#">Click or tap here to enter text.</a>	Date: <a href="#">Click or tap here to enter text.</a>
Individual #3 Signature: <a href="#">Click or tap here to enter text.</a> Title: <a href="#">Click or tap here to enter text.</a>	Date: <a href="#">Click or tap here to enter text.</a>

## SUBMISSION INSTRUCTIONS:

This form is used by small businesses to apply for surety bond guarantee assistance. The information collected is used by SBA and PSB Sureties to determine whether the application for assistance should be approved or declined.

1. The Applicant must contact a surety agency which participates in SBA's Surety Bond Guarantee (SBG) Program. A list of participating surety agencies and instructions on how to apply for SBG assistance are on the Office of Surety Guarantees website at <https://www.sba.gov/funding-programs/surety-bonds#paragraph-13>.
2. Upon completion of its underwriting, surety forwards all required documents through the Capital Access Financial System. If the form is prepared electronically, the completed form must be printed, signed and then uploaded into CAFS located at <https://www.sba.gov/partners/surety-bond-partners-agents/operate-surety-partner-or-agent>. If CAFS is unavailable, a paper copy of the form is available on the Office of Surety Guarantees (OSG) website at <https://www.sba.gov/document/sba-form-994-application-surety-bond-guarantee-assistance> where it may be printed, completed, signed and mailed to the OSG office at 409 3rd St., S.W. Suite 8600 Washington, D.C. 20416.

When the surety uploads the SBA Form 994 to CAFS it certifies to the best of the knowledge of the surety, its staff, its authorized agencies, or attorneys-in-fact, that the applicant business is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal assistance program by any Federal department or agency.

3. SBA staff reviews the application, makes a final determination, and notifies surety of its decision. SBA returns the approved Guarantee Agreement to the surety.
4. If the application is for a final (performance and/or payment) bond, SBA's approval is contingent upon the remittance to SBA of the guarantee fee owed by the contractor
5. If any adverse information develops subsequent to SBA's approval of the bond guarantee, the surety may decline to issue the bonds.

**PLEASE NOTE:** The estimated burden for completing this form, including time for reviewing instructions, gathering the information needed, and completing and reviewing your responses, is approximately 15 minutes. You are not required to respond to any collection of information unless it displays a currently valid OMB Control Number (3245-0007). If you wish to submit comments on the estimated completion time or any other aspect of this collection of information, direct these comments to: U.S. Small Business Administration, Director, Records Management Division, 409 3<sup>rd</sup> St., S.W., Washington, D.C. 20416 and/or Desk Officer for the Small Business Administration, Office of Management and Budget, New Executive Office Building, Room 10202, Washington, D.C. 20503.

**PLEASE DO NOT SEND COMPLETED FORMS TO OMB.**

**PLEASE READ, DETACH, AND RETAIN FOR YOUR RECORDS**

**STATEMENTS REQUIRED BY LAW AND EXECUTIVE ORDER**

This application, and any assistance provided pursuant to this application, is subject to the following laws, regulations, and Executive Orders:

**Freedom of Information Act (5 U.S.C. 552)**

This law provides, with some exceptions, that SBA must provide information contained in agency files and records for a person requesting it. Information about approved bond guarantees that will be automatically released includes, among other things, statistics on the Surety Bond Guarantee (SBG) programs and other information such as the names of small businesses (and their officers, directors, stockholders or partners) and the amount of the bond guarantees. Proprietary data on an applicant would not routinely be made available to third parties. All requests under this Act are to be addressed to the nearest SBA office and be identified as a Freedom of Information request.

**Privacy Act (5 U.S.C. 552a) and Debt Collection Improvement Act (31 U.S.C. 7701)**

*Authorities and Purpose for Collecting Information:* SBA is collecting the information on this form, including social security numbers and other personal information, to make a character and credit eligibility decision in connection with you or your company's application for SBA assistance. SBA may also use social security numbers for the purpose of collecting and reporting on any delinquent fees or other amounts owed to SBA.

Under the provisions of 31 U.S.C. 7701, the applicant business and any indemnitor of the bond are required to provide their social security numbers, or other taxpayer identification numbers, in order to do business with SBA. Failure to provide this information would affect your ability to obtain an SBA guaranteed bond. For other individuals signing this application, the submission of the social security number is voluntary and failure to provide your social security number may not affect any right, benefit or privilege to which you are entitled. However, in evaluating whether the applicant satisfies the criteria for a bond guarantee under section 411 of the Small Business Investment Act, 15 USC 694b, SBA considers whether the applicant and each owner of 20% or more of its equity, and each of its officer, directors, or general partners, possesses good character. In making this determination, SBA considers the person's integrity, candor, and criminal history if any. SBA is authorized, through section 308(f) of the Small Business Investment Act, to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B) of the Small Business Act, 15 USC § 636(a)(1)(B). In addition, for all forms of assistance, SBA is authorized to make all investigations necessary to ensure that a person has not engaged in acts that violate or will violate the Small Business Investment Act, see 15 USC Section 687b(a). In conducting the criminal background check, SBA also uses your social security number to distinguish you from other individuals with the same or similar name or other personal identifier. This use is permitted under Executive Order 9397.

*Routine Uses:* Some of the information collected may be checked against criminal history indices of the Federal Bureau of Investigation. When the information collected indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature, SBA may refer it to the appropriate agency, whether Federal, State, local, or foreign, charged with responsibility for or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. See, SBA's Privacy Act System of Records, at 74 Fed. Reg. 14890 (2009) (as amended from time to time) for other published routine uses for the collected information.

**Right to Financial Privacy Act of 1978 (12 U.S.C. 3401)**

This is notice, as required by the Right of Financial Privacy Act of 1978, of SBA's access rights to financial records held by financial institutions that are or have been doing business with you or your business. The law provides that SBA shall have a right of access to your financial records in connection with its consideration or administration of assistance to you in the form of a bond guarantee. SBA is required to provide a certificate of its compliance with this Act to a financial institution in connection with its first request for access to your financial records, after which no further certification is required for subsequent access. The law also provides that SBA's access rights continue for the term of any approved bond agreement. No further notice to you of SBA's access rights is required during the term of any such agreement.

The law also authorizes SBA to transfer to another Government authority any financial records included in an application for a bond guarantee, or concerning an approved bond guarantee, as necessary to process or service the bond guarantee. No other transfer of your financial records to another Government authority will be permitted by SBA except as required or permitted by law.

### **Flood Disaster Protection Act (42 U.S.C. 4011)**

Under this Act, and its implementing regulations, SBA is prohibited from providing financial assistance in a designated floodplain unless Federal flood insurance is purchased as a condition of the assistance. Failure to maintain the required level of flood insurance makes the applicant ineligible for any future financial assistance from SBA under any program, including disaster assistance.

### **Executive Orders 11988 and 11990 -- Floodplain Management and Wetland Protection (42 F.R. 26951 and 42 F.R. 26961)**

SBA discourages settlement in or development of a floodplain or a wetland. This statement is to notify all applicants for SBA assistance that such actions are hazardous to both life and property and should be avoided. The additional cost of flood preventive construction must be considered in addition to the possible loss of all assets and investments due to a future flood.

### **Executive Order 11738 - Environmental Protection (38 F.R. 251621)**

This Executive Order charges SBA with administering its financial assistance programs in a manner that will result in effective enforcement of the Clean Air Act, the Federal Water Pollution Act and other environmental protection legislation.

### **Occupational Safety and Health Act (15 U.S.C. 651 et seq.)**

This legislation authorizes the Occupational Safety and Health Administration in the Department of Labor to require businesses to modify facilities and procedures to protect employees or pay penalty fees. In some instances, the business can be forced to cease operations or be prevented from starting operations in a new facility. Therefore, in some instances, SBA may require additional information from an applicant to determine whether the business will be in compliance with OSHA regulations and allowed to operate its facility after the bond guarantee agreement is approved. Signing this form as an applicant is a certification that the applicant has determined which OSHA requirements, if any, apply to the applicant's business and the applicant to the best of its knowledge is in compliance.

### **Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821 et seq.)**

Businesses that receive surety bond guarantee assistance from SBA for a contract to construct or rehabilitate a residential structure are prohibited from using lead-based paint (as defined in SBA regulations) on all interior surfaces, whether accessible or not, and exterior surfaces, such as stairs, decks, porches, railings, windows and doors, which are readily accessible to children under 7 years of age. A "residential structure" is any home, apartment, hotel, motel, orphanage, boarding school, dormitory, day care center, extended care facility, college or other school housing, hospital, group practice or community facility and all other residential or institutional structures where persons reside.

### **Civil Rights Legislation**

All businesses receiving SBA assistance must agree not to discriminate in any business practice, including employment practices and services to the public, on the basis of categories cited in 13 C.F.R., Parts 113 and 117 of SBA Regulations. This includes making the business' goods and services available to handicapped clients or customers. All businesses receiving assistance will be required to display the "Equal Employment Opportunity Poster" prescribed by SBA.

### **Debt Collection Act of 1982 and Debt Collection Improvement Act of 1996 (5 U.S.C. 5514 note and 31 U.S.C. 3701 et seq.)**

These laws require SBA to aggressively collect fee payments (or any other amount due to SBA) that become delinquent. If you receive a bond guarantee, and do not pay the related fee (or any other amount due to SBA), SBA may take one or more of the following actions:

- Report the status of your payment delinquency to credit bureaus
- Hire a collection agency to collect your fee
- Offset your income tax refund or other amounts due to you from the Federal Government
- Suspend or debar you or your company from doing business with the Federal Government

- Refer your delinquent fee (or any other amount due to SBA) to the Department of Justice or other attorney for litigation
- Foreclose on collateral or take other action permitted

**Executive Order 12549 as amended by E.O. 12689, Debarment and Suspension (2 CFR 180, adopted by reference in 2 CFR Part 2700 (SBA Debarment Regulations))**

By submission of this application, you certify and acknowledge that neither you nor any Principals have within the past three years been: (a) debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a transaction by any Federal department or agency; (b) formally proposed for debarment, with a final determination still pending; (c) indicted, convicted, or had a civil judgment rendered against you for any of the offenses listed in the Regulations; or (d) delinquent on any amounts due and owing to the U.S. Government or its agencies or instrumentalities as of the date of execution of this certification. If you are unable to certify and acknowledge (a) through (d), you must obtain and attach a written statement of exception from SBA permitting participation in this surety bond guarantee. You further certify that you have not and will not knowingly enter into any agreement in connection with the goods and/or services purchased with the proceeds of this loan with any individual or entity that has been debarred, suspended, declared ineligible from participating in, or voluntarily excluded from participation in a Transaction. All capitalized terms have the meanings set forth in 2 C.F.R. Part 180.