
U.S. SMALL BUSINESS ADMINISTRATION
HUBZone PROGRAM
SUPPORTING DOCUMENT REQUEST
• PARTNERSHIP •

Carefully review this Supporting Document Request, to ensure that you fully understand the Program's regulatory requirements, definitions, and policies, and the firm's on-going obligations under the Program.

Include a clearly labeled, thorough, and detailed explanation in your document submission if a particular requested document is not applicable to the firm, or not available at the time the documents are due, or there are inconsistencies in the documentation.

Failure to fulfil the requirements of the Supporting Document Request is the most common cause for delay in processing, or decline¹, of applications for HUBZone Program certification. In cases of continuing eligibility evaluations² and HUBZone status protests, not providing the documents requested may result in the decertification of the HUBZone firm³.

PURPOSE OF DOCUMENTATION

The U.S. Small Business Administration (SBA) will make a final eligibility determination based on the information provided in the application, the documents you submit and any explanations you provide, and any other available information ([13 CFR 126.300](#)). SBA conducts independent research, including the company and other public websites, and uses the documentation provided by the firm to verify that the firm is in compliance with the HUBZone Program requirements. In processing an application or continuing eligibility review, SBA is looking for consistency in the information contained in the firm's online application, supporting documentation submitted, and the independent research SBA conducts.

When there are gaps in information provided, or information is inconsistent, SBA may make a final determination without requesting an explanation to clarify these points of inconsistency. For this reason, it is crucial for the applicant to complete the online application accurately; provide all documentation requested; perform Internet searches to identify ambiguous, conflicting, or confusing results that may hamper SBA in determining compliance with eligibility requirements. The firm should address any such inconsistencies in a memo to SBA that clearly explains the inconsistencies in information that affects its compliance with any particular eligibility requirement.

Please note that a firm that is declined or decertified can reapply 90 days from the date of the decline or decertification notice ([13 CFR 126.309](#)).

Finally, it should be understood that SBA may draw an adverse inference and conclude that the firm does not meet eligibility requirements ([13 CFR 126.403](#)), if the firm fails to provide or disclose information SBA requires and requests to validate compliance with HUBZone Program eligibility requirements. For additional information, please visit our [Frequently Asked Questions](#).

¹ When an applicant is declined, it may seek certification after 90 calendar days from the date of decline if it believes that it has overcome all reasons for decline through changed circumstances and is currently eligible.

² Continuing eligibility evaluations may be conducted in connection with program exams, proposed decertifications, material changes, recertifications, etc.

³ When a firm is decertified, it is removed from the list of HUBZone Small Business Concerns in the Dynamic Small Business System. More information is at <https://www.sba.gov/content/frequently-asked-questions#maintaining>. The decertified may seek certification after 90 calendar days from the date of decertification if it believes that it has overcome all reasons for decertification through changed circumstances and is currently eligible. A company found to be ineligible during a HUBZone status protest is precluded from applying for HUBZone certification for 90 calendar days from the date of the final agency decision ([13 CFR 126.309](#)).

TIME OF REVIEW

Eligibility reviews are conducted using snapshots in time (i.e., time of review). The time of review is critical because that is the time when the firm must prove compliance.

For example, in an application for HUBZone certification, the time of review is the date that the firm electronically verifies its application called electronic verification date (EVD). This is the date when the applicant's highest ranking official asserts to SBA that the firm is in compliance with HUBZone Program eligibility requirements. SBA's analysis of an application relates to that date; but SBA will not certify a firm that has fallen out of compliance after the electronic verification date. More information is in the "Initial Application – Processing Questions" at <https://www.sba.gov/content/frequently-asked-questions>.

All supporting documentation MUST cover the time of review. For example, when responding to a status protest a firm's payroll must include the date of offer and contract award; in an application, any leases (i.e., HUBZone location, HUBZone employees) must be in place and in force on that date and continuing; when responding to a notice of proposed decertification, utility bills for the HUBZone location must demonstrate that the firm was operational on the date(s) the proposed decertification notice specifies.

Submission of information that does not include, or cover, the time of review may result in the firm's application being declined or being removed from the list of HUBZone certified concerns if currently certified, because there is no evidence for SBA to use in corroborating that the firm met the HUBZone criteria during the time of review.

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SUBMISSION

A firm applying for HUBZone certification, has 10 business days from the day the highest ranking electronically verifies the online application (i.e., electronic verification date), to upload the supporting documentation into SBA's secure file sharing environment. The online application has links to the supporting documentation list in each webpage.

Other continuing compliance evaluations⁴ have different timeframes which are provided by the hubzone office as part of the request for documentation.

To upload the supporting documentation:

1. Go to <https://sft.sba.gov/envelope/HUBZone>. If you don't have an account, follow the guidelines by clicking "I don't have an account yet" the link is just below the Login button.
2. Enter Recipient: HUBZonedocuments@sba.gov, if not already auto populated
3. Enter Subject: [application number and firm's name]

Group the documents by the corresponding heading from the [Document Checklist](#) page and combine them into PDF files labeled with the Application Number and the appropriate heading. For an initial application, you would ideally upload six files:

- Application XXXXX – Principal Office.pdf
- Application XXXXX – 35% HUBZone Residency.pdf
- Application XXXXX – Ownership and Control.pdf
- Application XXXXX – Signature Sheet.pdf
- Application XXXXX – Document Checklist.pdf

You may split the files into multiple parts if they are too large. For example:

- Application XXXXX – Principal Office.pdf
- Application XXXXX – 35% HUBZone Residency – Employees ID and maps.pdf
- Application XXXXX – 35% HUBZone Residency – Payroll.pdf
- Application XXXXX – Ownership and Control.pdf
- Application XXXXX – Signature Sheet.pdf
- Application XXXXX – Document Checklist.pdf

SIGNATURE SHEET

In addition to the electronic copy, SBA must receive the original copy of the HUBZone Program Certification Signature Sheet.

Mail the signature sheet ONLY⁵ and select a delivery option that allows you to track the shipment:

SBA HUBZone Program
Mail Code 6369
409 3rd Street SW
Washington, DC 20416

⁴ Compliance evaluations may be conducted as part of validating a firm's continuing compliance in connection with recertifications, program exams, material changes, HUBZone status protests; and proposed decertifications.

⁵ Delays in processing may occur if you mail all the supporting documents or if mail them plus upload them.

DOCUMENT CHECKLIST

PRINCIPAL OFFICE

- [Lease/Rental Agreement/Deed](#)
- [Utility Bill](#)
- [Firm Location List](#)

35% HUBZONE RESIDENCY

- [Payroll Records](#)
- [Identification/ Proof of Residence for HUBZone Residents](#)
- [HUBZone Map of HUBZone Residents' Addresses](#)
- [Employee List](#)
- [Contractor List \(if applicable\)](#)

OWNERSHIP AND CONTROL

- [Proof of Citizenship for firms at least 51% owned by US Citizen](#)
- [Partnership Documents](#)
 - DBA (Doing Business As) Certificate, if applicable.
 - Partnership Agreement and any amendments
- [Other key ownership documents](#)

SIGNATURE SHEET

- [Signed HUBZone Program Certification Signature Sheet](#)

ATTEMPT TO MAINTAIN (ONLY FOR RECERTIFICATIONS, PROGRAM EXAMS, PROPOSED DECERTIFICATIONS AND PROTESTS)

- Evidence that firm is attempting to maintain the 35% requirement

DOCUMENT CHECKLIST

- For each item on this page, either mark that it has been included in your upload package with a check mark or indicate that the item is not applicable to your company and provide a separate page explaining why the item is not applicable. Then sign this page and upload it with the rest of the documents.

Name (printed): _____ Signature: _____ Date: _____

PRINCIPAL OFFICE: [13 CFR 126.103](#)

SBA reviews the following documentation to determine a) which of the firm's locations is the principal office and b) if that location is in a HUBZone. The principal office is the location where the greatest number of employees perform their work. (See [13 CFR 126.103](#) "Principal Office" and "Employee" definitions)

SBA may aggregate employees from an affiliated firm in order to validate that the firm meets the principal office requirement. Specifically, SBA will look at the [totality of circumstances](#) to determine whether the employees of one company should be considered employees of the HUBZone applicant/HUBZone small business concern (SBC) for purposes of this program.

LEASE/RENTAL AGREEMENT/DEED

Copy of a fully executed lease/rental agreement or deed for the firm's principal office location. Lease must be valid and in full effect at the [time of review](#). The firm's full legal name must be identified as being the lessee, renter, or owner⁶. If the lease/rental agreement or deed only includes a parcel description, include a property tax bill and/or insurance policy supporting the physical address of the principal office location. Note that the property tax bill and/or insurance policy is for verification of the physical address only – submission of this document in lieu of the required lease or deed is not evidence that the firm meets this regulatory requirement.

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UTILITY BILL

Copy of a utility bill for the firm's principal office that clearly shows the period of usage and covers the [time of review](#). Examples include gas, electric, water, sewer or landline telephone. Note that cellular phone bills are not acceptable because these may not be necessarily associated with a physical location.

If you cannot provide a land-line telephone bill, or a utility bill because utilities are included in the rent or lease payments, you must do one of two things.

- If the utilities **are** mentioned in the rental or lease agreement, clearly annotate the document, to draw our attention to this circumstance. Example: "Lease includes utilities. See page 2, paragraph 3."
- If the utilities **are not** mentioned in the rental or lease agreement, provide a signed affidavit from the lessor explaining that utilities are included with the rent or lease payments.

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FIRM LOCATION LIST

Complete list of all locations maintained by the firm or used as jobsites. For the HUBZone Program:

- An *office* is a location maintained by the firm (i.e., owned or leased by the firm).
- A *job site* is a location used to fulfill specific contract obligations (applicable only to firms whose primary industry is service or construction).

This listing must include the following information for each location:

- a. Complete address and description of location (i.e., *office* or *job site*).
- b. Names of employees working at each address.
- c. Number of hours each employee works per week at each address.

⁶ If the firm's name is not in any of these documents, include a written statement explaining why.

- d. Days of week and business hours that each *office* is staffed.
- e. If the location is a *job site*, include a copy of the contract (front page and other pages showing where the work must be performed) and contract number.

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35% EMPLOYEE HUBZONE RESIDENCY: [13 CFR 126.103](#) AND [126.200](#)

At least 35% of **all** of the firm's employees must live in a HUBZone, regardless of where they work. (See [13 CFR 126.200 \(b\) \(4\)](#); see also definition of Employee at [13 CFR 126.103](#))

SBA may aggregate employees from an affiliated firm in order to validate that the firm applying for HUBZone certification meets the principal office requirement. Specifically, SBA will look at the [totality of circumstances](#) to determine whether the employees of one company should be considered employees of the HUBZone applicant/HUBZone small business concern (SBC) for purposes of this program.

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PAYROLL RECORDS⁷

The SBA uses the firm's payroll records to determine several things, including whether specific individuals are 'employees,' as defined for the HUBZone Program; whether the majority of the employees work from the HUBZone 'principal office' as defined for the HUBZone Program; and whether at least 35% of firm's employees reside in a HUBZone.

The SBA will accept payroll records, payroll summaries, payroll reports, etc. only if they contain, at a minimum: employees' names, the number of hours worked for each pay period, the wages earned for each pay period, and each pay period's beginning and end dates.

In documents submitted, include a statement explaining whether:

- All of the officers of the firm are shown as employees on the payroll. If that is not the case, indicate the number of hours per month each officer works for the firm and how they are being compensated.
- Any independent contractors performed work for the firm at the [time of review](#) (electronic verification date for initial applications). If so, please submit the documents under "Contractor List."
- All individuals who work for the firm are shown as employees on the payroll, including individuals obtained from a temporary employee agency, leasing concern, or through a union agreement or co-employed pursuant to a professional employer organization agreement. If that is not the case, please submit a copy of the agreement and payroll or evidence accounting the employees' work time during the [time of review](#) (electronic verification date).

To enable SBA to conclude who was on the firm's payroll on the time of review, the firm must submit payroll records that include, or cover, the date of review – for initial applications this is the electronic verification date (EVD).

Example: A firm on a biweekly payroll system ending on the 15th and 30th of the month, submits its application on June 1, 2016 and electronically verifies its application on June 3, 2016. The firm submits payroll records that include, or cover, the electronic verification date - June 3, 2016. The May 31, 2016

⁷ A firm that does not have a payroll system can still apply and validate continued compliance. For more information, refer to the Initial Application – Processing Questions section at <https://www.sba.gov/content/frequently-asked-questions>

payroll would not be acceptable evidence because it does not include, or cover, the electronic verification date (June 2, 2016). Therefore, the appropriate payroll records are the ones generated on June 15, 2016.

The firm has 10 business days from the EVD to upload documentation (June 17, 2016). The firm submits all supporting documentation, other than payroll, by June 17, 2016. In that document upload, it includes a signed statement to SBA explaining why the payroll is not available and indicates when the firm expects to upload the pertinent payroll records. (e.g., “The firm is on a biweekly payroll system. Payroll records covering June 3, 2016, the date that we electronically verified our HUBZone application, will be available on June 30, 2016. We expect to upload the document to SBA not later than July 2, 2016.”) The file is named “Application XXXXX – 35% HUBZone Residency – Payroll Pending.pdf.”

Example: A firm on a monthly payroll system that ends on the 30th day of the month submits its application on June 1, 2016, and electronically verifies its application on June 3, 2016. The firm submits payroll records that include, or cover, the electronic verification date - June 3, 2016. The May 31, 2016 payroll would not be acceptable evidence because it does not include, or cover, the electronic verification date (June 3, 2016). Therefore, because the firm is on a monthly payroll system, the appropriate payroll records will not be available until June 30, 2016.

The firm has 10 business days from the electronic verification date to upload documentation (June 17, 2016). The firm submits all supporting documentation, other than payroll, by June 17, 2016. In that document upload, it includes a signed statement to SBA explaining why the payroll is not available and indicates when the firm expects to upload the pertinent payroll records. (e.g., “The firm is on a monthly payroll system. Payroll records covering June 3, 2016, the date that we electronically verified our HUBZone application, will be available on June 30, 2016. We expect to upload the document to SBA not later than July 2, 2016.”) The file should be named “Application XXXXX – 35% HUBZone Residency – Payroll Pending.pdf.”

For SBA to consider a person to be an employee of the firm, you must provide evidence that the person works at least 40 hours per month. Therefore, the firm must submit sufficient payroll records to allow it to conclude that an individual does, or does not, work the required minimum 40 hours per month. Therefore, if the payroll that you submit that covers, or includes, the electronic verification date includes employees who work at least 40 hours per month, but during that payroll period did not work at least 40 hours, you must submit additional payroll records that demonstrate that they work at least 40 hours per month. (This is often the case with firms that have weekly or biweekly payroll systems, and employ some individuals on a part-time basis.) In this circumstance, in addition to the payroll including, or covering, the electronic verification date, the firm must submit the immediately preceding payroll(s).

Example: A firm on a biweekly payroll system submits its application on June 1, 2016, and electronically verifies its application on June 3, 2016. The firm submits payroll records that include, or cover, the electronic verification date - June 3, 2016 (e.g., payroll for the period May 29 – June 11, 2016).

The firm has a part-time employee who works 15 hours per week. During the payroll period that covers, or includes, the electronic verification date, the employee worked 30 hours. Therefore, to demonstrate that the employee worked at least 40 hours per month, the firm also submits payroll records for the immediately preceding payroll period, May 15 - 28, 2016.

Example: A firm on a weekly payroll system submits its application on June 1, 2016, and electronically verifies its application on June 3, 2016. The firm submits payroll records that include, or cover, the electronic verification date - June 3, 2016 (e.g., payroll for the period May 29 – June 7, 2016). The firm has a part-time employee who works 10 hours per week. During the payroll period that covers, or includes, the electronic verification date, the employee worked 10 hours. To demonstrate that the employee worked at least 40 hours per month, the firm also submits payroll records for the immediately preceding 3 payroll periods: May 22 - 28, 2016; May 15 - 21, 2016; and May 8 - 14, 2016 to demonstrate that the person worked 40 hours during that month for a total of 4 weekly payrolls.

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IDENTIFICATION/ PROOF OF RESIDENCE FOR HUBZONE RESIDENTS⁸

Provide copies of driver's licenses, identification cards, or voter registration cards showing the home address of each HUBZone resident employee. These documents must be valid, issued on or before the [time of review](#) (electronic verification date for applications), and having an expiration date, if any, after the electronic verification date.

If the address listed on a document is no longer valid, or is a PO Box, provide a copy of a current lease agreement, mortgage statement, utility bill (not cell phone), or change of address card in the name of the individual which shows the address where the individual resides.

If none of the documents enumerated above are available, follow the instructions at <https://www.sba.gov/content/frequently-asked-questions#The 35% Requirement>.

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HUBZONE MAP OF HUBZONE RESIDENTS' ADDRESSES

Provide a copy of a HUBZone map for each employee residing in a HUBZone. Include the name of the employee on the map.

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EMPLOYEE LIST

Provide a complete listing of all who work for the firm at the [time of review](#). This listing is separate from the official payroll record.

For each individual include:

- a. Complete name
- b. Description of employee: full-time; part-time; temporary from employee agency, leasing concern, or through a union agreement; co-employed pursuant to a professional employer organization agreement; salaried; included in payroll; not included in the payroll; owner; officer; shared with affiliate; etc. Some individuals may require multiple designations in the description: e.g. "Jane Smith - owner, salaried, included in payroll; Joe Smith - owner, not included in payroll, shared with affiliate."
- c. Whether or not employee resides in a HUBZone – HUBZone residents must be supported by proof of residence documents. Additional details are available at <https://www.sba.gov/content/frequently-asked-questions#The 35% Requirement>.
- d. Number of hours employee works per month.

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CONTRACTOR LIST (IF APPLICABLE)

The SBA may use the [totality of circumstances](#) to determine if independent contractors are considered employees for the purpose of HUBZone certification. Additional information is available at <https://www.sba.gov/content/frequently-asked-questions#employee>.

⁸ For more information, read information at <https://www.sba.gov/content/frequently-asked-questions#The 35% Requirement>

For each independent contractor provide:

- Independent contractor agreements,
- Invoices,
- Proof of payment,
- 1099 forms,
- Any other relevant documents showing the nature of the relationship (for example, signed confidentiality forms); and
- Answers to:
 - Do any of the independent contractors have or have they had in the past, business cards issued by your firm? If yes, provide SBA with a copy of the business card.
 - Do any of the independent contractors have email accounts issued to them by your firm? If so, provide SBA with individual's email address.

If signed copies of executed contracts are not available, provide detailed description of work performed by each independent contractor including

- Date and number of hours worked,
- Type of work performed, and
- Address where the work was performed

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OWNERSHIP AND CONTROL: [13 CFR 126.200](#)

PROOF OF US CITIZENSHIP FOR FIRMS AT LEAST 51% OWNED BY US CITIZENS

Provide any ONE of the following documents for enough firm owners who are US Citizens to demonstrate that the applicant firm is at least 51 percent owned and controlled by United States citizens:

- a. Birth certificate,
- a. Current valid U.S. Passport,
- b. Certificate of Citizenship, or
- c. Certificate of Naturalization.

DO NOT send Social Security cards.

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PARTNERSHIPS

Although the firm may not be required to submit these documents to the Secretary of State in the state of incorporation, it is nonetheless required and necessary to determine the eligibility criteria for the SBA HUBZone Program. The following documents must be valid at the [time of review](#) (electronic verification date for applications) and have the required signatures.

- a. DBA (Doing Business As) Certificate, if applicable. If this document is not applicable, state this in writing.
- b. Partnership Agreement and any amendments

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OTHER KEY OWNERSHIP RELATED DOCUMENTS

- If your firm is a member of a franchise, provide a copy of the Franchise Agreement.
- If your firm is owned in part by an Employee Stock Ownership Plan (ESOP) or Trust, provide a copy of the ESOP Plan or Trust Agreement. If the firm has no such agreements, indicate in writing that none of the above is applicable.
- Please review Section C of your application to ensure that all partners are named in the documents requested above have been properly identified in your application. If after reviewing Section C you find that corrections are required, contact the individual who sent you this request (or the [HUBZone Helpdesk](#) if you cannot contact that individual) to have your application corrected.

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ATTEMPT TO MAINTAIN ([13 CFR 126.602](#) AND [126.103](#))

This requirement only applies to firms that are currently certified and undergoing a review based on a recertification, proposed decertification, protest, or program examination.

A HUBZone qualified firm that is awarded a contract on the basis of its HUBZone status may fall below the 35% residency requirement, but only during the performance of the HUBZone contract. HUBZone firms must show that they are “attempting to maintain” the required percentage of employees who reside in a HUBZone. Furthermore, a firm must be meeting all of the eligibility requirements (including 35%) in order to bid on a new contract.

Types of supporting documents to prove that the firm is “attempting to maintain” the 35% requirement include:

- a. Written offers of employment
- b. Published advertisements
- c. Attendance at job fairs

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APPENDIX

INDEPENDENT CONTRACTORS AND THE TOTALITY OF THE CIRCUMSTANCES TEST

The “totality of the circumstances” language first appeared in SBA Size Policy Statement No. 1, which gave notice of SBA’s intended application and interpretation of the definition of “number of employees.”

According to Size Policy Statement No. 1, the intended application of the regulation was to broaden the SBA’s authority to find that certain individuals be considered employees of the concern on an “other basis.” Specifically, the SBA stated its concern that administrative precedent had interpreted the size regulation “in a way which is overly mechanical and has the potential for subjecting the SBA size determinations to abuse. In these cases, the Agency has merely applied the common law indicia of an employee/employer relationship, i.e., who hires, fires, pays and withholds taxes and provides benefits, to determine whether such individuals would be treated as employees of the business or not.”

SBA further explained that the mechanical exclusion of employees retained through an employment contractor from the number of employees counted in determining a business size status would encourage circumvention of the size standards by means of creative employment practices. Therefore, in order to preserve the integrity of its size regulations, the SBA has determined that in appropriate cases individuals whose services have been procured through an employment contractor should be considered “individuals employed on . . . [an] other basis,” under [SBA’s size regulations] and be counted as part of that business “number of employees” even if technically the employees of the contractor under common law principles. To do otherwise would be to permit form to prevail over substance.

In determining whether a particular concern should be viewed as employing certain individuals on an “other basis,” Size Policy Statement No. 1 directs that SBA “should consider any information or data relevant to the question of whether an employer is deriving the usual benefits incident to employment of such individuals, and the circumstances under which the situation came to exist.”

The Size Policy Statement again directs SBA to consider the “totality of the circumstance,” including the following eleven factors:

1. Did the company engage and select the employees?
2. Does the company pay the employees’ wages and/or withhold employment taxes and/or provide employment benefits?
3. Does the company have the power to dismiss the employees?
4. Does the company have the power to control and supervise the employees’ performance of their duties?
5. Did the company procure the services of the employees from any employment contractor involved in close proximity to the date of self-certification as a small business?
6. Did the company dismiss employees from its own payroll and replace them with the employees from any employment contractor involved? Were they replaced soon after their dismissal?
7. Are the individual employees supplied by any employment contractor involved the same individuals that were dismissed by the company?
8. Do the employees possess a type of expertise or skill that other companies in the same or similar lines of business normally employ in-house (as opposed to procuring by sub-contract or through an employment contractor)?
9. Do the employees perform tasks normally performed by the regular employees of the business or which were previously performed by the company’s own employees?
10. Were the employees procured through an employment contractor to do other than fill in for regular employees of the company who are temporarily absent?
11. Does the contract with the independent contractor have a term based on the term of an existing Government contract?

The crux of this totality of circumstances test is to preserve the integrity of the HUBZone program and prevent certain employment practices that circumvent the HUBZone Act and implementing regulations.

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CLEAR LINE OF FRACTURE AND THE TOTALITY OF THE CIRCUMSTANCES TEST

SBA may aggregate employees from an affiliated firm in order to validate that the firm meets the principal office requirement. Specifically, SBA will look at the totality of circumstances to determine whether the employees of one company should be considered employees of the HUBZone applicant/HUBZone small business concern (SBC) for purposes of this program.

In making this determination, the SBA will look to see whether:

- a. The HUBZone applicant/HUBZone SBC is in fact sharing employees with another business concern;
- b. There is no clear line of fracture between the HUBZone applicant/HUBZone SBC and the other company; and/or
- c. There is evidence of subterfuge

For more information is available at <https://www.sba.gov/content/frequently-asked-questions#affiliates>.

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