



**ELIGIBILITY INFORMATION REQUIRED FOR SBA EXPRESS, EXPORT EXPRESS, SMALL LOAN ADVANTAGE, PLP- CAPLINES, AND PILOT LOAN PROGRAM (PATRIOT EXPRESS AND DEALER FLOOR PLAN) SUBMISSIONS**

**This entire form is to be completed, signed and dated by the Lender prior to submission of the loan request to SBA under the Lender’s delegated authority.**

Small Business Borrower Name \_\_\_\_\_  
Lender Name \_\_\_\_\_  
Purpose of Loan \_\_\_\_\_  
Describe Type of Business \_\_\_\_\_

If the answer to either of the following two statements is “No,” the loan is not eligible.

Applicant is an operating business organized for profit, is located in United States, has demonstrated a need for the desired credit, and the desired credit is not otherwise available on reasonable terms from non-Federal sources. YES \_\_\_ NO \_\_\_

The products and/or services of the Applicant business are available to the general public. YES \_\_\_ NO \_\_\_

**A. Size and Affiliation**

Primary industry of Applicant \_\_\_\_\_ NAICS Code of Applicant \_\_\_\_\_  
Average annual receipts of Applicant Business (excluding affiliates) over last 3 completed fiscal years \_\_\_\_\_  
No. of employees of Applicant Business \_\_\_\_\_ SBA size standard for Applicant \_\_\_\_\_  
(SBA size standards by NAICS industry are found at 13 CFR 121.201.)

OR (alternative size standard) tangible net worth is \_\_\_\_\_ (not in excess of \$15 million) and average net income after Federal income taxes (excluding any carry-over losses) for the preceding two completed fiscal years is \_\_\_\_\_ (not in excess of \$5.0 million). (The alternative size standard is found at §3(a) of the Small Business Act.)

The combined size calculation of applicant and its affiliates meets the size standard for the applicant’s primary industry or the size standard for the primary industry of the applicant and its affiliates, whichever is higher. YES \_\_\_ NO \_\_\_

OR  
The combined size calculation of applicant and its affiliates meets the alternative size standard. YES \_\_\_ NO \_\_\_

If size standard is exceeded by no more than 25%, Applicant agrees to use the assistance within a labor surplus area. YES \_\_\_ NO \_\_\_

**Check if applicable regarding any affiliates:**

\_\_\_ Applicant has possible affiliates. *If checked, provide the following information in attachment to this form:*  
List possible affiliates, discuss possible bases of affiliation and determine if affiliation exists. If affiliation exists, list the primary industry of applicant and affiliates and the NAICS code. Also, state 1) combined average annual receipts over last 3 completed fiscal years or number of employees for applicant and all affiliates OR 2) combined tangible net worth and combined average net income after Federal income taxes (excluding any carry-over losses) for the preceding two fiscal years for applicant and all affiliates.

**Check if applicable regarding any franchise/license/dealer/jobber agreement:**

\_\_\_ Applicant business has a franchise/license/dealer/jobber or similar agreement. *If checked, answer the following:*

The Franchise Registry (or the List of Approved Dealer Agreements for the Dealer Floor Plan (DFP) pilot) lists the agreement as an approved agreement YES \_\_\_ NO \_\_\_

**If “No,” answer the following statement:**

You have made the determination that the applicant business has the right to profit and risk of loss commensurate with ownership and there are no excessive restraints on the sale of the franchise/license/dealer/jobber or similar interest. YES \_\_\_ NO \_\_\_

**If “No,” loan is not eligible.**

## **B. Associates of the Applicant**

Question 1 on any required SBA Form 1919, SBA Express, Export Express, Small Loan Advantage, PLP-CAPLines and Pilot Loan Programs (Patriot Express and DFP) Borrower Information Form is answered "No." YES\_\_\_NO\_\_\_  
*If the answer to this statement is "No," loan is not eligible.*

Question 2 or 3 on any required SBA Form 1919, SBA Express, Export Express, Small Loan Advantage, PLP-CAPLines and Pilot Loan Programs (Patriot Express and DFP) Borrower Information Form, for this application is answered "No." YES\_\_\_NO\_\_\_  
*If the answer to this statement is "No," answer the following:*

The application meets one of the following criteria below (which is checked): YES\_\_\_NO\_\_\_  
*If the answer to this statement is "No," the loan is not eligible.*

\_\_\_\_ Individual that answered "Yes" has completed an SBA Form 912 AND Lender has cleared the loan for processing based on SOP 50 10 5 guidelines for SBA Express or Patriot Express lenders. (Only SBA Express and Patriot Express lenders have authority to clear a loan for processing under these guidelines.)

\_\_\_\_ The charge resulting in a "yes" answer was a single misdemeanor that was subsequently dropped without prosecution and Lender has documentation from the appropriate court or prosecutor's office showing that the charge was dropped.

\_\_\_\_ Lender has submitted the required 912 and any additional documentation required to the district or branch SBA office serving the territory where the business applicant is located and has subsequently received written clearance of the character issue(s) from SBA Headquarters through the district or branch SBA office.

Lender has assessed the liquid assets of the immediate family (including spouse and dependent children) of each owner of 20% or more of the equity of the Applicant (and of the Operating Company, if the Applicant is an Eligible Passive Company) and determined that they do not exceed:

- for a financing package of \$250,000 or less, two times the total financing package or \$100,000, whichever is greater;
  - for a financing package between \$250,001 and \$500,000, one and one-half times the total financing package or \$500,000, whichever is greater;
  - for a financing package of more than \$500,000, one times the total financing package or \$750,000, whichever is greater.
- YES\_\_\_NO\_\_\_

All owners of 20 percent or more of the Applicant (including a spouse owning 5 percent or more when the combined ownership of both spouses is 20 percent or more) will guaranty the loan (except for ESOPs or eligible 401(k)Trusts). YES\_\_\_NO\_\_\_

All Associates of the business are either U.S. citizens or non-U.S. citizens whose status is being verified with USCIS or SBA. For non-U.S. citizens, the lender has obtained a copy of the individual's USCIS documentation and submitted a USCIS Form G-845, "Document Verification Request" with supporting information to USCIS or SBA. In addition, the lender will not close and disburse the loan prior to receiving confirmation from USCIS or SBA that the alien status of all Associates meets SBA's policies. YES\_\_\_NO\_\_\_

If "Yes," CHOOSE the ONE that applies (If neither applies, the loan is not eligible):

\_\_\_\_ The business is at least 51 percent owned by individuals who are U.S. citizens and/or who have Lawful Permanent Resident (LPR) status, which lender will verify with the USCIS or SBA prior to first disbursement, and control the management and daily operations of the business; OR

\_\_\_\_ The business is at least 51 percent owned by aliens with an alien status other than LPR, which lender will verify with the USCIS or SBA prior to first disbursement, the lender has determined that continual and consistent management of the business has been provided by a U.S. citizen or by an LPR (which lender will verify with the USCIS or SBA prior to first disbursement) for at least one year and will continue indefinitely AND U.S. collateral is pledged sufficient to pay the loan in full at any time. (Businesses less than one year old do not meet these requirements.)

## **C. Terms of the Loan**

### **Loan Maturity**

The maturity of the loan does not exceed the maximum allowable by SBA and is the shortest appropriate term commensurate with repayment ability of the Applicant.

If the loan is revolving, the maturity does not exceed:

- seven years including the term-out period for SBA Express, Export Express or Patriot Express;
- five years including the term-out period for a DFP loan or Builder PLP - CAPLine; or
- ten years including the term-out period for a Seasonal, Contract or Working Capital PLP- CAPLine. YES\_\_\_NO\_\_\_

### **SBA Guaranty Percentage**

SBA guaranty percentage does not exceed the following:

- for an SBA Express loan, does not exceed 50%;
  - for a Small Loan Advantage (SLA), PLP-CAPLine or Patriot Express loan, does not exceed 85% for a loan of \$150,000 or less OR 75% for a loan greater than \$150,000;
- for a DFP loan, does not exceed 75%;
- for an Export Express loan, does not exceed 90 percent for a loan up to \$350,000 (provided that the combined gross loan amount of this loan and any other Export Express loan approved within the past 90 days does not exceed \$350,000) or 75% for a loan greater than \$350,000 (including the gross loan amount of any other Export Express loan approved within the past 90 days); YES\_\_\_NO\_\_\_

### **Aggregate Gross Balance**

The aggregate gross loan balance for this application and all outstanding 7(a) and 504 loans to Applicant and its affiliates does not exceed \$5,000,000. YES\_\_\_NO\_\_\_

The aggregate gross balance of all SBA Express, *FASTRAK*, Community Express, Patriot Express and Export Express loans to Applicant and its affiliates does not exceed \$350,000 if the loan request is for an SBA Express loan; \$500,000 if the loan request is for a Patriot Express loan. YES\_\_\_NO\_\_\_

The aggregate gross balance of this Export Express request and all outstanding SBA Export Express loans to Applicant and its affiliates does not exceed \$500,000. YES\_\_\_NO\_\_\_

The loan amount for an SLA loan does not exceed \$350,000. YES\_\_\_NO\_\_\_

The loan amount for a PLP-CAPLine does not exceed \$5,000,000. YES\_\_\_NO\_\_\_

### **Interest Rates**

For SBA Express and Export Express, the interest rate of the loan does not exceed 6.5% over prime rate for loans of \$50,000 and less, or 4.5% over prime rate for loans over \$50,000. For Patriot Express, SLA, PLP-CAPLines, and DFP, the interest rate of the loan does not exceed prime plus 2.25% for maturities under 7 years and prime plus 2.75% for maturities of 7 years or more except for loans of \$25,000 or less when the interest rate can be higher by 2% and for loans over \$25,000 up to \$50,000 when the interest rate can be 1% higher. YES\_\_\_NO\_\_\_

### **Piggyback Prohibition**

Applicant does not have a non-SBA-guaranteed loan made by any lender at or about the same time for the same or similar purpose as this loan, with a lien position senior to this loan ("Piggyback Loan"). YES\_\_\_NO\_\_\_

## D. Type of Business

\_\_\_ Applicant is or does one of the following. *If checked, loan is not eligible.*

- primarily engaged in the business of lending
- a passive business owned by developers or landlords that do not actively use or occupy the assets acquired or improved with the loan proceeds that is not an Eligible Passive Company (discussed below)
- bail bond company
- life insurance company
- located in a foreign country or owned by undocumented (illegal) aliens
- pyramid sale distribution plan
- any illegal activity
- principally engaged in teaching, instructing, counseling or indoctrinating religion or religious beliefs, whether in a religious or secular setting.
- consumer or marketing cooperative
- earns 1/3 or more of its gross annual revenue from packaging SBA loans
- derives directly or indirectly more than 5% of its gross revenue through the sale of products or services, or the presentation of any depiction or displays, of a prurient sexual nature or that presents any live performances of a prurient nature
- primarily engaged in political or lobbying activities
- a speculative business (such as oil wildcatting, mining and research & development)

\_\_\_ Applicant is a pawn shop. *If checked, answer the following question. If "No" loan is not eligible.*  
More than 50% of Applicant's income for the previous year was from the sale of merchandise rather than from interest on loans.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a mortgage service company. *If checked, answer the following question. If "No" loan is not eligible.*  
Any mortgage loans funded are sold within 14 days of loan closing.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a business that is primarily engaged in subdividing real property into lots and developing it for resale on its own account or in owning or purchasing real estate and leasing it for any purpose. *If checked, loan is not eligible.*

\_\_\_ Applicant is a motel, recreational vehicle park, campground, marina or similar type of business. *If checked, answer the following question. If "No" loan is not eligible.*

Applicant derives more than 50 percent of its gross annual income from transients who stay for periods of time not exceeding 30 days.

YES \_\_\_ NO \_\_\_

\_\_\_ Any of gross annual revenue of Applicant business is derived from gambling. *If checked, answer the following question. If "No," loan is not eligible.*

The revenue is from legal gambling activities and comprises 1/3 or less of gross annual revenue of Applicant business and the business is not a racetrack, casino or otherwise have gambling as its reason for being.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a private club or business. *If checked, answer the following question. If "No" loan is not eligible.*  
Business does not limit the number of memberships for reasons other than capacity.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is a government-owned entity. *If checked, answer the following question. If "No" loan is not eligible.*  
Applicant is business owned or controlled by a Native American tribe, but is a separate legal entity from the tribe.

YES \_\_\_ NO \_\_\_

\_\_\_ Applicant is an Eligible Passive Company (EPC). *If checked, fill in the blanks and answer the following questions. If "No" loan is not eligible.*

(Attach additional sheet with Names and Legal Forms if more than one OC. References below to OC mean each OC.)

Name of Operating Company (OC) \_\_\_\_\_

Legal Form of Entity of OC \_\_\_\_\_

- The EPC will use the loan proceeds to acquire or lease, and /or improve or renovate real or personal property (including eligible refinancing) that it leases 100% to one or more OCs. YES \_\_\_ NO \_\_\_
- The OC is an eligible small business and the proposed use of proceeds would be an eligible use if the OC were obtaining the financing directly. YES \_\_\_ NO \_\_\_
- The EPC (with the exception of a trust) and the OC each are small under SBA's size standards. YES \_\_\_ NO \_\_\_

- The EPC is eligible as to type of business, other than being passive. YES\_\_\_NO\_\_\_
- The lease between the Eligible Passive Company and the Operating Company will be in writing, will have a remaining term at least equal to the term of the loan (including options to renew exercisable solely by the Operating Company), will be subordinated to SBA's lien on the property and the rents will be assigned as collateral for the loan. YES\_\_\_NO\_\_\_
- The OC will be a guarantor or co-borrower. If loan proceeds include working capital or assets to be owned by the OC, it will be a co-borrower. YES\_\_\_NO\_\_\_
- Each 20% or more owner of the EPC and each 20% or more owner of the OC will guarantee the loan. YES\_\_\_NO\_\_\_
- The aggregate amount of the SBA portions for this application and for all outstanding loans to the EPC, the OC, and their affiliates does not exceed \$3,750,000 (\$4,500,000 until 12/31/10). YES\_\_\_NO\_\_\_
- Neither the EPC nor the OC is a trust, or SBA requirements regarding trusts are met. YES\_\_\_NO\_\_\_

### **E. Use of Proceeds**

- \_\_\_ To provide or refinance funds used for payments, distributions, or loans to Associates of the Applicant. *If checked, loan is not eligible.*
- \_\_\_ For a purpose that will not benefit the small business. *If checked, loan is not eligible.*
- \_\_\_ To provide funds for floor plan financing. *If checked, answer the following question. If "No" loan is not eligible.*  
 Loan is a DFP loan. YES\_\_\_NO\_\_\_
- \_\_\_ To provide funds for short-term working capital (or the refinancing of an existing asset-based, short-term working capital loan, if under the Working Capital CAPLines subprogram). *If checked, answer the following question. If "No" loan is not eligible.*  
 Loan is a PLP-CAPLine loan. YES\_\_\_NO\_\_\_
- \_\_\_ To finance the sale of the participating lender's Other Real Estate Owned (OREO). *If checked, loan is not eligible for delegated processing.*
- \_\_\_ For debt refinancing. *If checked, ATTACH A DEBT SCHEDULE SHOWING THE TERMS OF THE DEBT TO BE REFINANCED AND THE JUSTIFICATION FOR THE REFINANCING. Also, answer the following questions. If "No," loan is not eligible.*
- Refinancing will provide a substantial benefit to Applicant of at least 10% needed improvement to cash flow. If more than one debt is refinanced, the new debt will have at least a 10% cash flow improvement over the combined cash flow of the debt being refinanced. (This does not apply if the refinanced debt is a demand note, involves a balloon payment, credit card obligation used for business related purposes, or revolving line of credit (short term or long-term).) YES\_\_\_NO\_\_\_
  - Existing debt no longer meets the needs of the Applicant. YES\_\_\_NO\_\_\_
  - If existing debt is between the Applicant and the requesting SBA lender, in addition to the previous two bullets, the debt has been current (no payment beyond 29 days past due) for at least the last 36 months AND the new loan will not reduce the lender's existing credit exposure to the borrower. YES\_\_\_NO\_\_\_
  - Proceeds will not pay a creditor in a position to sustain a loss causing a shift to SBA of all or part of a potential loss from an existing debt. YES\_\_\_NO\_\_\_
  - Debt to be refinanced is NOT an SBA-guaranteed loan unless it meets one of the following exceptions: the transaction is the purchase of an existing business that has an existing SBA loan that is not with the requesting SBA Express lender or the debt is an existing SBA-guaranteed line of credit that is not with the requesting lender, is being refinanced under a Working Capital PLP-CAPLine and all other requirements of debt refinancing are met. YES\_\_\_NO\_\_\_
  - Loan will not refund debt to an SBIC. YES\_\_\_NO\_\_\_
  - Loan will not repay third party financing for any existing 504 project. YES\_\_\_NO\_\_\_
  - Loan will not repay delinquent IRS withholding taxes, sales taxes or similar funds held in trust. YES\_\_\_NO\_\_\_
  - Loan will not refinance any seller take-back financing of less than 24 months following the change of ownership. The debt must be and have been current for the past 24 months. YES\_\_\_NO\_\_\_
  - If refinancing seller take-back financing greater than 24 months, a new business valuation that meets the requirements of SOP 50 10 5, Subpart B, Chapter 4 has been obtained. YES\_\_\_NO\_\_\_
- \_\_\_ To fund or refinance a change in ownership. *If checked, answer the following questions. If "No," loan is not eligible.*
- The change will promote the sound development or preserve the existence of the Applicant business. YES\_\_\_NO\_\_\_
  - Change is 100% of ownership or a business repurchasing 100% of one or more of its owners' interests. YES\_\_\_NO\_\_\_
  - The loan proceeds will not pay off an SBA-guaranteed loan of the seller with the **same** lender. YES\_\_\_NO\_\_\_
  - The loan proceeds will not finance any amount in excess of the business valuation. YES\_\_\_NO\_\_\_

### **CHOOSE ONE – Business Valuation Requirements**

\_\_\_ The amount being financed (including any 7(a), 504, seller, or other financing) minus the separately appraised value of real estate and/or equipment being financed is \$250,000 or less. The valuation of the business is supported by at least a lender's valuation. If the valuation analysis is performed by the lender's loan officer, a synopsis is attached.  
OR

\_\_\_ The amount being financed (including any 7(a), 504, seller or other financing) minus the separately appraised value of real estate and/or equipment is more than \$250,000 OR there is a close relationship between the buyer and the seller. The lender has obtained an independent business valuation from a qualified source.

**CHOOSE ONE – Financing intangible assets:**

\_\_\_ The purchase price of the business does not include intangible assets (including, but not limited to, goodwill, client/customer lists, patents, copyrights, trademarks and agreements not to compete) in excess of \$500,000.  
OR

\_\_\_ The purchase price of the business includes intangible assets (including, but not limited to, goodwill, client/customer lists, patents, copyrights, trademarks and agreements not to compete) in excess of \$500,000 and the borrower and/or seller are contributing at least 25% equity.

\_\_\_ For construction of (or the refinancing of the construction for) a new building.

*If checked, answer the following questions. If "No," loan is not eligible.*

- If building will contain rental space, Applicant (or Operating Companies) will continue to occupy at least 60% of the rentable property for the term of the loan; lease long term no more than 20% of the rentable property to one or more tenants; plans to occupy within three years some of the remaining rentable property not immediately occupied or leased long term; and plans to occupy within ten years all of the rentable property not leased long term. YES\_\_\_NO\_\_\_
- Community improvements do not exceed 5 percent of the loan amount. YES\_\_\_NO\_\_\_
- If refinancing a construction loan, the construction loan is not with the same lender. YES\_\_\_NO\_\_\_

\_\_\_ To provide funds for the acquisition of land or existing building or for renovation or reconstruction of an existing building.

*If checked, answer the following questions. If "No," loan is not eligible.*

- Applicant (or Operating Companies) will occupy at least 51% of the rentable property. YES\_\_\_NO\_\_\_
- Loan proceeds will not be used to remodel or convert any rental space in the property. YES\_\_\_NO\_\_\_

\_\_\_ To provide funds for or refinance leasehold improvements. *If checked, answer the following question.*

*If "No," loan is not eligible.*

Loan proceeds will be used to improve space occupied 100% by Applicant. YES\_\_\_NO\_\_\_

\_\_\_ To provide funds to guarantee or fund a letter of credit. *If checked, answer the following question.*

*If "No," loan is not eligible.*

Loan is an Export Express loan. YES\_\_\_NO\_\_\_

**F. Special Program Requirements**

\_\_\_ Lender is aware that the application was previously submitted to SBA under any SBA program, including SBA Express, Export Express, Community Express, PLP, CLP, SLA, Patriot Express or regular 7(a). (Loan is not eligible to be submitted under this process unless the SLPC Director has waived this prohibition because the application was preliminary or incomplete when previously submitted or it has changed materially since the previous submission. or the application was declined under SLA due to the applicant's credit score and is now being submitted under SBA Express.)

\_\_\_ Lender has made a personal loan to an individual for the purpose of providing an equity injection into the business. (Loan is not eligible to be submitted under this process.)

\_\_\_ Loan will be collateralized by commercial property that will not meet SBA's environmental requirements or that will require use of a non-standard indemnification agreement. (Loan is not eligible to be submitted under this process.)

\_\_\_ Applicant business previously defaulted on a Federal loan or Federally assisted financing that resulted in the Federal government or any of its departments or agencies sustaining a loss; or another business owned or controlled by any Associate of the applicant business defaulted on a Federal loan (or guaranteed a loan which was defaulted) and caused the Federal Government or any of its agencies or departments to sustain a loss in any of its programs, including any compromise agreement with any such agency/department; or an Associate of the applicant business was the recipient of a student loan that is in delinquent status. (Loan is not eligible to be submitted under this process.)

\_\_\_ Loan is one of the following special purpose loans (*Loan is not eligible to be submitted under this process.*)

- International Trade Loans, except for Export Express loans
- Qualified Employee Trusts (ESOP)
- Community Adjustment and Investment Program (CAIP)
- Disabled Assistance Loan Program (DAL)
- Pollution Control Program

\_\_\_ Loan is under SBA Export Express. *If checked, answer the following questions. If "No," loan is not eligible.*

- The business has been operating, although not necessarily in exporting, for at least 12 full months. If less than 12 months, the applicant's key personnel have clearly demonstrated export expertise and substantial previous successful business experience, AND the lender processes the Export Express loan using conventional commercial loan underwriting procedures and does not rely solely on credit scoring or credit matrices to approve the loan. For non-bank lenders that do not have a conventional loan portfolio, a written approval from the Office of Credit Risk Management for their underwriting procedures has been obtained prior to making the Export Express loan. YES\_\_\_NO\_\_\_
- Applicant has demonstrated to lender that loan proceeds will enable it to enter a new export market or expand an existing export market. YES\_\_\_NO\_\_\_
- Loan proceeds will be used for an export development activity. YES\_\_\_NO\_\_\_
- If proceeds are being used to finance indirect exports, the applicant has provided certification to lender from the applicant's domestic customer (typically in the form of a letter, invoice, order or contract) that the goods or services are in fact being exported. YES\_\_\_NO\_\_\_
- Proceeds will not be used to finance overseas operations, except for the marketing and/or distribution of products/services exported from the U.S. YES\_\_\_NO\_\_\_
- If proceeds are being used to finance specific export transactions (including indirect exports), lender has determined that U.S. Companies are authorized to conduct business with the proposed country(ies) to which the goods or services will be shipped and has reviewed the Ex-Im Bank Country Limitation Schedule (CLS) to verify that the U.S. Government has not restricted trade with any foreign country that the applicant does business with (i.e., no country is identified on the CLS by Note #7). YES\_\_\_NO\_\_\_

\_\_\_ Loan is under Patriot Express. *If checked, answer the following questions. If "No," loan is not eligible.*

- Fifty-one percent (51%) or more of the applicant small business is owned and controlled by one or more of the eligible groups for Patriot Express. YES\_\_\_NO\_\_\_
- Each owner that meets the qualifications for Patriot Express has provided documentation from the Department of Defense or Veteran Affairs that verifies their status and a copy of that documentation is retained in the Lender's file. YES\_\_\_NO\_\_\_

\_\_\_ Loan is under SLA. *If checked, answer the following question. If "No," loan is not eligible.*

- The applicant's SLA credit score is acceptable for SLA. YES\_\_\_NO\_\_\_

\_\_\_ Loan is under PLP-CAPLines. *If checked, answer the following questions. If "No," loan is not eligible.*

- Seasonal CAPLines: Applicant qualifies under standard 7(a), has been in operation for at least 12 calendar months and is able to demonstrate a definite pattern of seasonal activity YES\_\_\_NO\_\_\_
- Contract CAPLines: Applicant qualifies under standard 7(a), is able to demonstrate an ability to operate profitably based upon the prior completion of similar contracts, possesses the overall ability to bid, accurately project costs, perform the specific type of work required by the contract(s), and has the financial capacity and technical expertise to complete the contract on time and at a profit. YES\_\_\_NO\_\_\_
- Builders CAPLines: Applicant qualifies under standard 7(a), is a construction contractor or homebuilder under NAICS codes 236220, 236115, 236116, or 236118 with a demonstrated managerial and technical ability in profitable construction or renovation, will either perform the construction/renovation work or manage the job with at least one supervisory employee on the job site during the entire construction phase, will conduct prompt and significant renovations (as defined in SOP 50 10 5(E), Subpart B, Chapter 2, Paragraph III.M.3.c)), has demonstrated a successful performance record in bidding and completing construction/renovation at a profit within the estimated construction period, is able to demonstrate prior prompt payments to suppliers and subcontractors, and the prior successful performance have been of comparable type and size to the proposed project. YES\_\_\_NO\_\_\_
- Working Capital CAPLines: Applicant qualifies under standard 7(a) and generates accounts receivable (not notes receivable). YES\_\_\_NO\_\_\_

\_\_\_ Applicant or Affiliates(s) has/have existing SBA loan(s). *If checked, answer the following question. If "No," loan is not eligible.*  
The existing SBA loan(s) is/are current. YES\_\_\_NO\_\_\_

\_\_\_ Applicant has paid or has committed to pay a fee to a third party to assist in the preparation of the loan application or application materials, or the Applicant or Lender has paid or has committed to pay a referral agent or broker a fee.

*If checked, answer the following question. If "No," loan is not eligible.*

A Form 159(7a) has been or will be completed, signed by all parties as required, and kept in lender's file. YES\_\_\_NO\_\_\_

\_\_\_ Application is being submitted under section 502 of the Recovery Act (which has been extended to December 31, 2010).

*If checked, answer the following questions. If "No," loan is not eligible to be submitted under section 502 of the Recovery Act.*

No individual who is an alien unlawfully present in the United States has an ownership interest in another concern that has an ownership interest in the applicant. YES\_\_\_NO\_\_\_

### **G. Conflict of Interest (13 CFR Part 105)**

*SBA will not provide financial assistance under delegated processing authority to an applicant when granting such financial assistance could result in the appearance of a conflict of interest between the Federal Government and the Applicant. Please answer the following questions. If any answers to the following statements cannot be answered "True," then the application may not be submitted under delegated processing programs.*

- No SBA employee, or the household member (see definition at \* below) of an SBA employee, is a sole proprietor, partner, officer, director, or stockholder with a 10 percent or more interest, of the Applicant. [13 CFR 105.204] True\_\_\_
- No former SBA employee, who has been separated from SBA for less than one year prior to the request for financial assistance, is an employee, owner, partner, attorney, agent, owner of stock, officer, director, creditor or debtor of the Applicant. [13 CFR 105.203] True\_\_\_
- No member of Congress, or an appointed official or employee of the legislative or judicial branch of the Federal Government, is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or household member of such individual, of the Applicant. [13 CFR 105.301(c)] True\_\_\_
- No Government employee having a grade of at least GS-13 or higher is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual, of the Applicant. [13 CFR 105.301(a)] True\_\_\_
- No member or employee of a Small Business Advisory Council or a SCORE volunteer is a sole proprietor, general partner, officer, director, or stockholder with a 10 percent or more interest, or a household member of such individual, of the Applicant. [13 FR 105.302(a)] True\_\_\_

\* A "household member" of an SBA employee includes: a) the spouse of the SBA employee; b) the minor children of said individual; and c) the blood relatives of the employee, and the blood relatives of the employee's spouse who reside in the same place of abode as the employee.[13 CFR 105.201(d)]

### **H. Ethical Requirements of Lenders (13 CFR 120.140)**

*Please answer the following questions. If any of the statements cannot be answered as "True," then the loan request is not eligible.*

- No Lender or Associate\*\* of Lender has a real or apparent conflict of interest with Applicant, any of Applicant's Associates, or any of the close relatives of Applicant's Associates. True\_\_\_
- No Lender or Associate or close relative of an Associate of the lender has a significant direct or indirect financial or other interest in the applicant, or has had such an interest within 6 months prior to the date of the application. True\_\_\_
- No Associate of a Lender is incarcerated, on parole, or on probation or is a convicted felon or has an adverse final civil judgment (in a case involving fraud, breach of trust, or other conduct) that would cause the public to question the Lender's business integrity. True\_\_\_



- No Lender or any Associate of Lender has accepted funding from a source that restricts, prioritizes, or conditions the types of small businesses that Lender may assist under an SBA program or that imposes any conditions or requirements upon recipients of SBA assistance inconsistent with SBA's loan programs or regulations. True\_\_\_\_\_
- None of the loan proceeds will directly or indirectly finance purchase of real estate, personal property or services from Lender or an Associate of Lender. True\_\_\_\_\_
- Neither the Applicant, an Associate of Applicant, close relative nor household member of an Associate of Applicant is required to invest in Lender. True\_\_\_\_\_
- None of the loan proceeds will be used to acquire space in a project for which lender has issued a real estate forward commitment. True\_\_\_\_\_

(\*\*Associate of a Lender is an officer, director, key employee, or holder of 20 percent or more of the value of the Lender's stock or debt instruments.)

NOTE: When there have been revisions to SBA policy regarding SBA loans that may be submitted under delegated authority, there may be a short period of time between the issuance of the policy, regulation or statutory change (including revisions to SOP 50 10) and a change to the form.

If that is the case for this loan application:

1. write "see below" next to the particular statement on this form where the policy has changed; and
2. attach an explanation for each notation that identifies the current specific SBA policy since the issuance of this edition of the form that now permits the submission of the loan under delegated authority. This must include the specific SOP citation, SBA notice, regulation change or change in the statute.

Do not complete the statement on the form itself if the statement indicates that the loan is not eligible to be submitted under delegated authority but the revised policy as identified by the attachment provided does.

**Lender's Certification:**

I certify that I have accurately and correctly completed the Eligibility Checklist on behalf of the Lender, that the above information is true and correct, to the best of my knowledge, and that I have exercised due diligence to obtain the true and correct information. For applications submitted under delegated authority, I am aware and acknowledge that SBA will not review eligibility prior to issuing an SBA loan number and that if an SBA loan number is assigned and SBA later learns that the loan is not eligible, SBA may deny liability on its guarantee.

Lender Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name and Title: \_\_\_\_\_

NOTE: According to the Paperwork Reduction Act, you are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. The estimated burden for completing this form, including time for reviewing instructions, gathering data needed, and completing and reviewing the form is 10 minutes per response. Comments or questions on the burden estimates should be sent to U.S. Small Business Administration, Chief, AIB, 409 3rd St., SW, Washington DC 20416. **PLEASE DO NOT SEND FORMS TO THIS ADDRESS.**