
HUBZONE SUPPORTING DOCUMENT REQUEST

• SOLE PROPRIETORSHIP •

Carefully review the list of supporting documents which includes links to the HUBZone regulations to solidify your understanding of the Program regulatory requirements, definitions, and the firm's on-going obligations. The response package must include a detailed explanation when a particular requested document is not applicable to the firm. Failure to meet the submission guidelines of the supporting documents is the most common cause for delay or application decline.

PURPOSE OF DOCUMENTATION

SBA will arrive at a final 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](#)) The Agency conducts independent research, including company and other public websites, and uses the documentation provided by the firm to verify that the firm is in compliance with the HUBZone requirements. SBA is looking for consistency of information presented in the firm's online submission, supporting documentation and independent research. When there are gaps, or information is inconsistent, SBA may make a final determination without requesting an explanation to clarify these points of inconsistency. This means that it is crucial for the firm to perform Internet searches to identify results that may create confusion during the compliance evaluation process and include a memo to SBA to address its Internet findings and any inconsistencies in its supporting documentation that could keep the firm from meeting a particular eligibility requirement. 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, SBA may conclude that the firm does not meet the eligibility requirements ([13 CFR § 126.403](#)) if the firm elects not to disclose the information SBA requests to validate compliance.

For additional information please visit our [Frequently Asked Questions](#).

TIME OF REVIEW

All eligibility criteria are analyzed in the context of the firm's time of review. The time of review is date on which the firm authorizes its online submission (i.e., application, recertification, program exam, etc.). That is, the date on which the firm's highest ranking official attests to the fact that information submitted in its online submission is true and correct. As such, all supporting documentation MUST cover that date. For example, the firm's payroll must cover the review date, the lease must be in place and still be enforced during that time, utility bills must demonstrate that the firm is operational and must cover the date of compliance review. Submitting information that does not cover the particular date may result in the firm's initial application being declined or being removed from the list of HUBZone certified concerns if currently certified because there is no evidence that the firm met the HUBZone criteria during the time of review.

SUBMISSION

You have ten business days, from the day you receive your supporting documents request email, to submit the documents. Refer to your supporting document request email for the submission deadline date.

Upload all documents via the SBA Cloud.

1. From the day you electronically verify the online application, you'll have ten business days to upload the supporting documentation. Click on this link or copy and paste the URL into your web browser:

<https://sft.sba.gov/envelope/HUBZone>

2. Enter Recipient: HUBZonedocuments@sba.gov
3. Enter Subject: [enter 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 – Affiliation and Size.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 – Princial Office.pdf
- Application XXXXX – 35% HUBZone Residency – Employees ID and maps.pdf
- Application XXXXX – 35% HUBZone Residency – Payroll.pdf
- Application XXXXX – Affiliation and Size - 2012Tax.pdf
- Application XXXXX – Affiliation and Size - 2013Tax.pdf
- Application XXXXX – Ownership and Control - ByLaws.pdf
- Application XXXXX – Ownership and Control – Articles of Incorporation and Stocks.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 ONLY.

Mail the signature sheet ONLY to:

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

Select a delivery option that allows you to track the shipment. Do not mail the rest of the documents if they have already been uploaded or you plan to 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](#)
- [State and Federal Unemployment Filings](#)
- [Employee List](#)
- [Contractor List \(if applicable\)](#)

AFFILIATION AND SIZE

- [Business Tax Returns](#)
- [Personal Tax Returns for Significant Owners](#)

OWNERSHIP AND CONTROL

- [Proof of Citizenship for firms at least 51% owned by US Citizen](#)
- [DBA Certificate](#)
- [Other key ownership documents](#)

SIGNATURE SHEET

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

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

- 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 which is valid and in full effect at the [time of review](#). Your firm's full legal name must be identified as being the lessee, renter, or owner. If the lease/rental agreement or deed only includes a parcel description, please 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. Cellular phone bills are not acceptable because these may not be necessarily connected to a physical location. If you cannot provide a land-line telephone bill and the utilities are included with the rent, but not mentioned in the lease agreement, you must provide evidence that utilities are included with the rent, such a signed affidavit from lessor indicating this is the case.

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FIRM LOCATION LIST

Complete list of all locations maintained by your firm or used as jobsites.

- 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 for each location:

- a. Complete address.
- b. Names of employees working at the site.
- c. Number of hours each employee works at the site.
- d. Days of week and business hours the site 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 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 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.

PAYROLL RECORDS

In order for SBA to consider a person working for the firm to be an employee, SBA must receive evidence that the person works at least 40 hours in a month's time.

The records must show all employees and number of hours worked per week at the [time of review](#).

Example: A firm is on a monthly payroll system paying its employees on the 30th day of the month, and the application is submitted on June 2, 2013. The firm must wait until the June 30, 2013 payroll is generated in order to submit the evidence SBA requires. In this example, the May 30, 2013 payroll date would not be proper evidence because it does not cover the time of review (June 2, 2013).

If there are any employees who worked less than 40 hours during the week of the time of review, provide payroll records that cover the four-week period leading up to, and including the week of the time of review to demonstrate that those employees worked at least 40 hours in a month.

Example: A firm is on a weekly payroll system and has an employee who worked 10 hours during the week that covers the time of review. Firm must provide the 3 previous weekly payrolls in order to demonstrate that the person worked 40 hours during that month for a total of 4 weekly payrolls.

The SBA will not accept payroll summaries. The payroll must show at a minimum the employee's name, number of hours worked for that pay period, wages, and pay period beginning and end dates.

Also 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 how many hours per month each officer works for the firm and how they are being compensated.
- A statement explaining whether any independent contractors performed work for the firm at the [time of review](#). If so, please submit the documents under "Contractor List."
- A statement explaining whether all individuals that 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](#).

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IDENTIFICATION/ PROOF OF RESIDENCE FOR HUBZONE RESIDENTS

Provide copies of driver's licenses, identification cards, or voter registration cards indicating the home address of each HUBZone resident employee. These documents must be valid at the [time of review](#).

If the address listed 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 mailing the documentation, staple each HUBZone map to the corresponding resident employee's identification/proof of residence.

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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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STATE AND FEDERAL UNEMPLOYMENT FILINGS

Provide a copy of the most recently available state unemployment tax filing and the most recently available federal employment quarterly report (Form 941- Employer's Quarterly Federal Tax Form). The state unemployment report must include the employee listing supporting the summary of wages.

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EMPLOYEE LIST

Provide a complete listing of all who work for the firm at the [time of review](#), including paid or unpaid owners, salaried or hourly-wage employees, and temporary workers. This listing is separate from the official payroll record. It must include, for each individual:

- a. Complete name
- b. Description of type of worker: salaried, included in payroll, owner, leased, obtained through PEO, obtained through union agreement, shared with affiliate, temporary, etc. Some individuals may require multiple designations in the description: e.g. "owner, salaried, included in payroll."
- c. Whether or not resides in a HUBZone – This should be supported by [proof of residence documents](#).
- d. Number of hours worked per month
- e. Primary work location: Principal Office, other firm location, or jobsite. If the individual works at more than one location, select the location where the individual spends the majority of their time. *Example:* If an employee works 16 hours per week at the "Principal Office," 12 hours per week at an "other firm location," and 12 hours per week at a "job site," specify the Principal Office as the primary work location.

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CONTRACTOR LIST (IF APPLICABLE)

The SBA may use the [totality of circumstances](#) to find that independent contractors are considered employees for the purpose of HUBZone certification.

For each independent contractor that worked at least 40 hours during the month preceding the [time of review](#), provide the contractor's full name and signed copies of executed contracts.

If signed copies of executed contracts are not available, provide

- a. Detailed description of work performed by each independent contractor including the number of hours worked, the type of work performed, and where the work is performed.

- b. Copies of all invoices from each independent contractors, and proof of payment for invoices
- c. 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;
- d. Do any of the independent contractors have email accounts issued to them by your firm? If so, provide SBA with individual's email address.

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SIZE AND AFFILIATION: [13 CFR 121.103](#) AND [126.200](#)

SBA uses tax returns and related information to validate that the firm is [small](#) based on the firm's primary NAICS code (established by the number of employees or revenue).

BUSINESS TAX RETURNS

Use [SBA's Size Standards Tool](#) to determine whether your size standard is employee or revenue based.

If the size standard is based on revenue, provide Federal Business Income Tax Returns for the most recently available previous 3 years for the applicant firm AND all of its [affiliates](#) identified in the application.

If the size standard is based on number of employees, provide the most recently available yearly Federal Business Tax Return and the most recently available 12 months of quarterly unemployment reports for the applicant firm AND all of its [affiliates](#) identified in the application.

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PERSONAL TAX RETURNS FOR SIGNIFICANT OWNERS

Provide Federal Personal Income Tax Returns for the most recently available year for all owners of the firm who have 20% or more ownership of the firm, including all attachments and schedules. Also provide W2's for all individuals listed on the return. If no one individual owns 20% or more, then Personal Tax Returns need to be provided for each individual with ownership.

Personal tax returns must be provided for the applicant firm and all of its [affiliates](#) identified in the application.

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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, or
- b. Certificate of Naturalization.

DO NOT send Social Security cards.

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DBA (DOING BUSINESS AS) CERTIFICATE

Although your firm may not be required to submit this to the Secretary of State in your state, it is nonetheless required and necessary to determine the eligibility criteria for the SBA HUBZone Program. The DBA Certificate must be valid at the [time of review](#) and have the required signatures.

If this document is not applicable, state this in writing.

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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 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 board members, officers and/or stockholders 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 ([126.602](#))

This only applies to firms that are currently certified and undergoing a review based on a recertification, 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

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