

# NEVADA EXPORT GRANTS

## STATE GUIDELINES FOR COMPANIES

**Nevada Export Grants** are “Funded in part through a Cooperative Agreement with the U.S. Small Business Administration. All opinions, conclusions, and/or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views of the SBA.”



U.S. Small Business  
Administration

# TABLE OF CONTENTS

<b>Overview</b>	<b>2</b>
Introduction	2
Eligibility Criteria	2
Disqualifiers	3
Application Evaluation	3
<b>Eligible Programs</b>	<b>4</b>
General Information	4
ExportEd Grant	6
Nevada Goods Grant	7
Trade Mission Assistance Grant	8
US Commercial Service Assistance Grant	9
Grant Reimbursement	10
<b>Program Administration</b>	<b>11</b>
Contact Information	9
<b>Program Application</b>	<b>12</b>
<b>Terms and Conditions</b>	<b>20</b>

# OVERVIEW

## Introduction

Nevada Export Grant Programs are administered by the Nevada Governor’s Office of Economic Development (GOED) and funded in part through a Cooperative Agreement with the U.S. Small Business Administration (SBA).

Export Grants seek to increase the number of eligible small business exporters, and to increase the volume of goods and services they export that are made and produced in Nevada. GOED offers support to small businesses through a series of programs that are run to create opportunities to increase export opportunities for small and medium enterprises. All grants are reimbursement-based and have a streamlined, five-step process.

Eligible Nevada small- and medium-sized business can participate in **up to one Export Grant per federal fiscal year**. Each program had its own eligible expenses and reimbursement criteria.

## Eligibility Criteria

1. Must be a for-profit business.
2. Must be organized or incorporated in the United States of America.
3. Must have significant operations in Nevada.
  - a. Substantial presence in terms of workforce, facilities, and economic impact within that state.
4. Must be exporting goods or services of U.S. origin or that have at least 51% U.S. content.
5. Must meet the definition of a “small” business per [U.S. Small Business Administration \(SBA\) size standards](#). Note that all employees of affiliates, such as parent companies, subsidiaries, etc., are included in employee and annual receipts totals to determine size eligibility ([SBA affiliation definition](#)).
6. Must have a Nevada business license.
7. Must be in business for at least one year at the time the approved export promotion activity takes place.
8. Must have sufficient resources to defray the costs associated with trade, which can include packing, shipping, freight, and customs brokerage costs.

*Note:* the above eligibility requirements apply to all companies in a group of companies that are affiliated through having the same controlling owners. Owners of multiple businesses will only be considered for one grant.

All eligibility criteria must be met.

## Disqualifiers

Businesses that meet any of the following criteria are prohibited from participating:

- Does not meet SBA small business size standards;
- Is based in a foreign country;
- Is engaged in any activity that is illegal under federal, state, or local law or that can reasonably be determined to support or facilitate any activity that is illegal under federal, state, or local law;
- Derives more than one-third of its gross annual revenue from legal gambling activities;
- Presents live performances of a prurient sexual nature or derives more than a de minimus amount of revenue from the sale of products or services of a prurient sexual nature;
- Is not organized for profit;
- Is listed on the SAM.gov as a debarred entity;
- Is found to be actively participating in the STEP program of another U.S. state
- Have received more than two STEP-supported grants in the past

## Application Evaluation

- Evaluation of the Nevada Export Grant Programs application will be based on the following criteria:
  - Applicant’s responses are complete and thorough. The applicant demonstrates an excellent understanding of the question, and the response is well formulated;
  - Export readiness of the business; and
  - Proposed export promotion activity/ies
- Preference will be given to the following applicants:
  - First-time eligible applicants to STEP-affiliated grants
  - Eligible participants that are “new to export,” as defined in the application
  - Eligible participants that align with Nevada GOED’s goals
- Funding will be granted based on availability, the number of applications submitted, and the merits of those applications. Applications that are submitted after the deadline or are incomplete will *not* be considered.
- A competitive application process will be engaged when more applications are received for a limited number of spots available for funding for Nevada Trade Missions. The independent review committee will be a collection of export or industry professionals that will engage in the judging of applications.

# ELIGIBLE PROGRAMS

## General Information

### Introduction

Eligible Nevada small- and medium-sized business can participate in **up to one Export Grant events per federal fiscal year**. Each program had its own eligible expenses and reimbursement criteria. There are four possible programs that help companies with a variety of needs. Grants are industry agnostic.

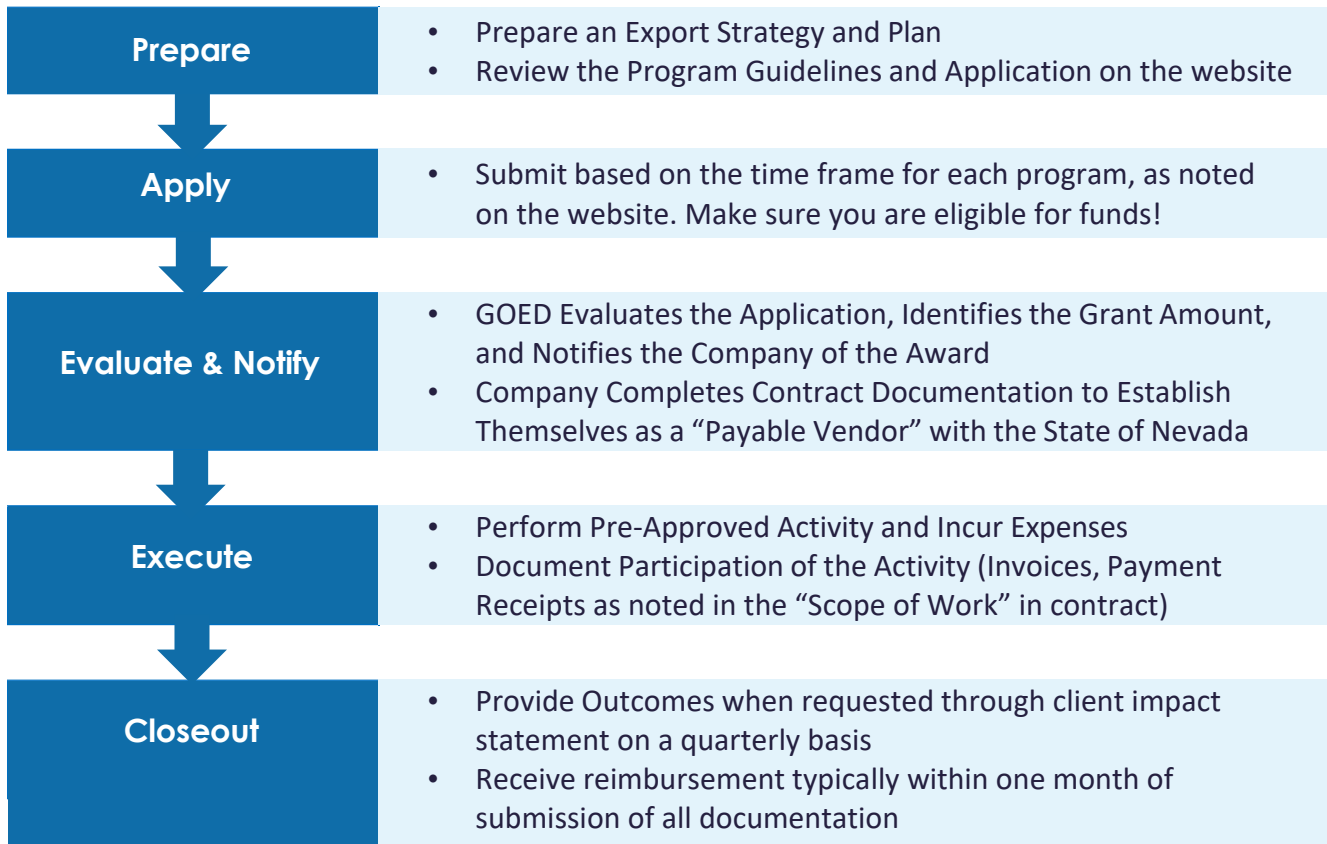
### Benefits

- Reduce costs to participate in export promotion activities;
- Increase opportunities for Nevada-made goods and services to increase “brand” recognition for added marketing and visibility;
- Leverage global networking opportunities from GOED’s international network;
- Network and connect with other Nevada companies and organizations to share best practices, collaborate, and/or learn about other related opportunities.

### Other Notes for Applicants

- Award amounts will be based on a number of criteria, including the strength of the application, the number of applicants, and the availability of funding. If applicants receive an award, all award funds may not be utilized depending on the final *actual cost* of their program.
- Application submission is NOT a guarantee of funding. If a business decides to expend funds before receiving confirmation of an Export Program Grant, they may not be reimbursed.
- Export Grants are NOT continuous funding mechanisms for Nevada companies. For companies that have received two or more STEP grants in the past, throughout the United States, will not receive funds through this grant program. Please look at alternative funding through the SBA.

## Application Process



## ExportEd Grant

### Information

- The ExportEd Grant is a reimbursement grant for participating in a partner export training program.
- Total Award: Max \$2,500
- Recommended Companies: New-To-Exporting (NTE), Market Expansion (ME)
- Proof of Activity: Invoice and receipt for training, proof of payment, client impact statement

### Eligible Costs

- Export Training
  - ExporTech (historically administered by Manufacture Nevada)
  - Website: <https://www.trade.gov/exportech>
- New to Export Training
  - SIDO
  - Website: <https://www.sidoamerica.org/new-to-export-training/>
- Export Readiness Training
  - Goldencrest Global
  - Website: <https://www.goldencrestglobal.com/trainings>
- Export Training LATAM
  - BMT Global Consulting
  - Website: [www.globalbmt.com](http://www.globalbmt.com) (Register via email: pbecerra@globalbmt.com and ggarcia@globalbmt.com)
- New training programs are coming soon! Don't see one that fits your company? Let us know if there is another training program that you'd like us to consider.

### Ineligible Costs

- Travel and Accommodations
- Any type of printing fees
- Other direct costs not included in the service fee(s)

## **Nevada Goods Grant**

### **Information**

- The Nevada Goods Grant is a reimbursement grant for manufacturers or developers of Nevada goods and products to exhibit at international trade shows.
- Total Award: Max \$5,000
- Recommended Companies: Market Expansion (ME)
- Proof of Activity: Invoice(s) and receipt for registration, proof of payment(s), client impact statement

### **Eligible Costs**

- Booth Space Rental and Show Registration Fees
- Booth Design & Construction
- Rental of temporary booth displays (furniture, lighting, and audiovisual equipment)

### **Ineligible Costs**

- Travel and Accommodations
- Purchase of non-disposable furnishings, containers, supplies, etc.
- Any type of printing fees
- Other direct costs not included in the service fee(s)



## **Trade Mission Assistance Grant**

### **Information**

- The Trade Mission Assistance Grant is for companies interested in attending a Nevada Trade Mission
- Total Award: Max \$6,000
- Recommended Companies: Market Expansion (ME)
- Proof of Activity: Invoice and receipt for registration, flight receipt and itinerary, invoice for B2B service, proof of payments, client impact statement

### **Eligible Costs**

- Trade Mission Registration Cost (if applicable)
- Roundtrip Economy Class airfare to location of missions (if applicable)
- B2B activity required by trade mission attendance (if applicable)

### **Ineligible Costs**

- Other Travel and Accommodations not listed above
- Any type of printing fees
- Other direct costs not included in the service fee(s)

## **US Commercial Service Grant**

### **Information**

- The US Commercial Service Grant is a reimbursement grant for manufacturers of Nevada goods and products to purchase export services through the Department of Commerce
- Total Award: Max \$2,500
- Recommended Companies: New-To-Exporting (NTE), Market Expansion (ME)
- Proof of Activity: Invoice and receipt for service, proof of payment, client impact statement

### **Eligible Costs**

- DOC Commercial Service program that grows export opportunities (full list per request)
  - Gold Key Services
  - Market intelligence: Customized Market Research, Initial Market Check
  - Matchmaking Services: International Partner
  - eCommerce Innovation Lab
  - Due Diligence on Foreign Parties
  - International Company Profile
  - In-Country Promotion of Products or Services
  - Featured U.S. Exporters Listing
  - RAISE (Rural America Intelligence Service for Exporters)

### **Ineligible Costs**

- Travel and Accommodations
- Purchase of non-disposable furnishings, containers, supplies, etc.
- Any type of printing fees
- Other direct costs not included in the service fee(s)

## Export Grant Reimbursement Claim

Businesses will submit complete reimbursement claims for eligible activities no later than **15 days after the activity has ended**. Each individual expense requires the submission of three items:

1. **Invoice and Receipt** – all invoices submitted for reimbursement need to contain the following information: date, name, address, contact information of vendor, all itemized charges (summary invoices are not eligible). Should the invoice not show method of payment, we also require a receipt. Receipts must have date, itemized charges and show method of payment.
2. **Proof of Payment** – proof of payment is required for all expenses. The following forms of payment and proof are acceptable: credit card/bank statement; check; cash receipt; wire transfer memo.
3. **Proof of Activity** – Information and documents that show that an activity took place. Proof of activity varies by activity type, please reach out to GOED for examples.

Funds may be rescinded if the company fails to provide requested information. GOED retains the right to request additional information related to the pre-approved activity. Reimbursements will be paid in full up to the awarded amount unless the company does not fulfill its obligations with regard to completing the approved activity/ies or submitting required receipts and summaries. GOED retains the ultimate discretion in determining the approval and reimbursement of funds and has final authority in determining whether submitted materials, including the proof of activity, are sufficient.

# PROGRAM ADMINISTRATION

Nevada Export Grant Programs are administered by the Nevada Governor’s Office of Economic Development (GOED) and funded in part through a Cooperative Agreement with the U.S. Small Business Administration (SBA).

Please reach out to the Program Director for more information and to apply.

## Program Director

### **Avrey Callis**

*International Trade Manager*

**Nevada Governor's Office of Economic Development**

555 East Washington Avenue Suite 5400

Las Vegas, NV 89101

LinkedIn: [linkedin.com/in/avrey-callis](https://www.linkedin.com/in/avrey-callis)

Cell: (702) 715-7718

Direct: (702) 486-2119

Main: (702) 486-2700

[goed.nv.gov](http://goed.nv.gov)

**Are you a business support organization that wants to partner on a trade activity with Nevada GOED utilizing this export grant program? Connect with the Program Director for more information!**

# APPLICATION



Please send completed application to Program Director

## Overview

The U.S. Small Business Administration State Trade Expansion (STEP) Program is an export initiative to assist small businesses to enter and succeed in the international marketplace. The program's objectives are to increase the number of U.S. small businesses that export and to increase the value of exports by small businesses. To accomplish this objective, the Nevada Governor's Office of Economic Development (GOED) will provide financial assistance to Nevada eligible small business concerns seeking to export their goods and services in their specific export grant eligible program.

This application and associated forms must be completed in their entirety to be considered eligible. Incomplete applications will be disqualified. You will be notified whether your company qualifies to receive grant once your application has been evaluated.

## Company Information

1. Please included a copy of your current Nevada Business License or a copy of your SilverFlume Entity Information from <https://esos.nv.gov/EntitySearch/OnlineEntitySearch> and check "Yes" when you have done so.

Check only one:

- Yes
- No

2. Company Name: \_\_\_\_\_

3. Full Name of Company Contact: \_\_\_\_\_

4. Title: \_\_\_\_\_

5. Phone Number: \_\_\_\_\_

6. Email: \_\_\_\_\_

7. Street Address: \_\_\_\_\_

8. City, State, Zipcode: \_\_\_\_\_

9. Has the company been in business in Nevada for at least a year?

Check only one

- Yes
- No

10. Estimated Number of Full-Time Employees in Nevada: \_\_\_\_\_

11. Primary North American Industry Classification System (NAICS) Code: \_\_\_\_\_

12. Company Web Address: \_\_\_\_\_

13. Are your headquarters/offices located in Nevada?

Check only one.

- Yes
- No

14. If no, please explain:

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15. Select your industry sector.

Check all that apply:

- 11 Agriculture, Forestry, Fishing and Hunting
- 21 Mining, Quarrying, and Oil and Gas Extraction
- 22 Utilities
- 23 Construction
- 31-33 Manufacturing
- 42 Wholesale Trade
- 44-45 Retail Trade
- 48-49 Transportation and Warehousing
- 51 Information
- 52 Finance and Insurance
- 53 Real Estate and Rental and Leasing
- 54 Professional, Scientific, and Technical Services
- 55 Management of Companies and Enterprises
- 56 Administrative and Support and Waste Management and Remediation Services
- 62 Health Care and Social Assistance
- 71 Arts, Entertainment, and Recreation
- 72 Accommodation and Food Services
- 81 Other Services (except Public Administration)
- 92 Public Administration
- Multiple

16. Please describe your products/services

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17. Please indicate if your company qualifies as one of the categories of disadvantaged business enterprises listed below.

Check all that apply:

- Rural  
A rural area per the SBA is any area that is outside of a metropolitan statistical area with population below 50,000 plus adjacent territory does not have a high degree of social and economic integration as measured by commuting ties.
- Woman Owned  
Not less than 51% unconditionally and directly owned and controlled by one or more women who are United States citizens
- Veteran/Disabled Veteran  
A veteran is a person who served in the active military, naval, or air service and who was discharged or released under conditions other than dishonorable. Not less than 51% unconditionally and directly owned and controlled by one or more veterans who are U.S. citizens.
- Socially and Economically Disadvantaged  
Individuals who have been subjected or racial or ethnic prejudice or cultural bias within American society because of their identities as members of groups and without regard to their individual qualities; whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged. The socially and economically disadvantaged individual must own not less than 51% of the firm. These include: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans,

Subcontinent Asian Americans.

- Not Applicable

18. Are you an export ready U.S. company seeking to export goods or services of U.S. origin or have at least 51% U.S. content? If you are unable to answer, please do not continue.

Check only one.

- Yes
- No

## Award Details

19. Export Status

Check only one.

- New-to-export (NTE - have not exported before)
- Market expansion (ME - have exported and looking to expand)

20. Does your company currently export to your target market?

Check only one.

- Yes
- No

21. Do you have the legal right to export the product/service?

Check only one.

- Yes
- No

22. What are your annual exports?

Check only one.

- Not Exporting
- Less than 25%
- More than 25%

23. What are your annual sales?

Check only one.

- Less than \$100,000
- \$100,00 to \$1 million
- More than \$1 million

24. Please describe in detail your marketing and distribution plan in the U.S. and internationally?

You may include a copy of your distribution, strategic, and/or marketing plan at your discretion.

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25. What is your Harmonized System Classification (HS) Code?

The HS code is a standardized numerical method of classifying traded products to identify products for assessing duties and taxes etc.

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26. Are you a new STEP client?

Check only one.

- Yes
- No

27. If no, please indicate when and how many times you received the STEP Grant.

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28. Which country, or countries are you seeking to enter?

DO NOT put general locations, list specific country names that align with your export plan.

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29. Type of Trade Activity

- ExportEd Grant  
If completing export education, which one? Full list above.
- Nevada Goods Grant  
If attending a trade show, which one?
- Trade Mission Assistance Grant  
If a Nevada Trade Mission, which one? Full list on GOED website.
- US Commercial Service Grant  
If U.S. Commercial Service Subscription, which one? Full list here

30. Date of Trade Activity

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31. Description of Trade Activity

Provide a clear and concise explanation of trade activity, justification for activity, i.e. how it fits with your business plan and how it will lead to export sales.

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32. Should you receive financial assistance from the STEP Grant, please state your goals/objectives? \*

Find partner/agent to represent my products/services, raise my company's profile with existing clients or partners by participating in a state led trade mission, etc.

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33. Should you receive financial assistance, what is the State of Nevada's estimated return on investment for the award of requested STEP grant funds.

Creation of x new jobs, retention of x jobs, x international clients/investors engaged, etc. Please note, this statement is an estimate.

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34. The U.S. Small Business Administration (SBA) would like to give you the opportunity to expand your knowledge of other programs offered. Would you like your company's name and contact information to be shared with other programs?

Check only one.

- Yes
- No

## Terms and Conditions

35. I understand that this is a reimbursement grant and that I must be able to cover all upfront costs of the trade activity and certify that I have access to capital or can gain access to capital for all costs associated with my trade activity.

Check only one.

- Yes
- No

36. I understand that if I am selected as a recipient of award funds, I will receive reimbursement for authorized funds after the activity is complete and all required original documentation has been submitted to the Nevada Governor's Office of Economic Development.

Check only one.

- Yes
- No

37. I understand that project costs will only be reimbursed for documented expenses.

All costs must be represented by original receipts, original cost invoices, and proofs of payments. Check only one.

- Yes
- No

38. I will ensure that all reimbursement requests will be submitted no later than 15 days after activity end date.

Check only one.

- Yes
- No

39. I agree to provide post-trade event required metrics.

Each grant is funded in part through a Grant with the U.S. SBA. The federal grant requires the State of Nevada to report all sales and job creation activity directly derived as a result of your participation in the Grant. By checking yes, you agree to provide sales and job creating statistics directly derived as a result of your acceptance of the STEP Grant award and financial assistance, on a quarterly basis following the STEP Activity and 12 to 18 months after the performance period of the grant. All information provided is confidential.

Check only one.

- Yes
- No

40. I certify that the information provided in this application and all supporting documentation is true and complete

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

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company Name: \_\_\_\_\_

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



U.S. Small Business  
Administration

## SELF-REPRESENTATION AS AN 'ELIGIBLE SMALL BUSINESS CONCERN

The undersigned seeks services from a State grant recipient under the Trade Facilitation and Trade Enforcement Act of 2015 (HR 644) which authorized the State Trade Expansion Program (STEP).

Section 503 of the Trade Facilitation and Trade Enforcement Act of 2015 defines the term 'eligible small business concern,' as a business concern that:

1. Is organized or incorporated in the United States;
2. Is operating in the United States,
3. Meets
  - a. The applicable industry-based small business size standard established under section 3 of the Small Business Act; or
  - b. The alternate size standard applicable to the program under section 7(a) of the Small Business Act and the loan programs under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

The U.S. Small Business Administration (SBA) size standards are found at 13 C.F.R. Part 121. Use the following sba.gov link for information on size standards for your business

(<https://www.sba.gov/category/navigation-structure/contracting/contracting-officials//small-business-size-standards>)

4. Has been in business for not less than 1 year, as of the date on which assistance using a grant under this subsection commences; and
5. Has access to sufficient resources to bear the costs associated with trade, including the costs of packing, shipping, freight forwarding, and customs brokers.

The undersigned certifies that this is an export ready U.S. company seeking to export goods or services of U.S. origin or have at least 51% U.S. content.

Submitting false information in order to obtain services from a STEP grant recipient is a violation of Federal law. If you submit false information the Government may seek criminal, civil, and/or administrative remedies against you, pursuant to 18 U.S.C. §§ 1001, 1040; and 31 U.S.C. §§ 3729-3733. The Government may elect to exclude you from further participation in certain Federal programs and contracts if you submit false information in connection with receiving services from a STEP grant recipient.

**I hereby certify that the business I represent is seeking services from a STEP grant recipient and is an eligible small business concern,\* pursuant to the above definition.**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
COMPANY NAME

*All SBA programs and services are extended to the public on a nondiscriminatory basis.*



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**Certification Regarding  
Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions**

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This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Business Name \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_  
Name and Title of Authorized Representative

\_\_\_\_\_  
Signature of Authorized Representative

## INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations (13CFR Part 145).
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-- Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

# APPENDIX

## TERMS AND CONDITIONS

When submitting an application online, applicants will be prompted to sign and submit the terms and conditions included with their Subaward Contract. This appendix is provided for your awareness.

### GRANT CONDITIONS AND ASSURANCES

**1. Standard Term - Acceptance of the Terms of an Award**

Non-federal entities of Small Business Administration (SBA) grants or cooperative agreement awards must comply with all terms and conditions of their awards, including: (a) terms and conditions included in the SBA Grants Policy effective at the time of a new, noncompeting continuation, or renewal award, including the requirements of OMB grants administration regulations; (b) requirements of the authorizing statutes and implementing regulations for the program under which the award is funded; (c) applicable requirements or limitations in appropriations acts; and (d) any requirements specific to the particular award specified in program policy and guidance, the Notice of Funding Opportunity (NOFO).

**2. Standard Term - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for SBA Awards**

The NoA issued is subject to the administrative requirements, cost principles, and audit requirements that govern federal monies associated with this award, as applicable, in the Uniform Guidance 2 CFR Part 200.

([https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2tab_02.tpl) ).

Under the authority listed above, the U.S. Small Business Administration adopts the Office of Management and Budget (OMB) Guidance in 2 CFR part 200, except for 2CFR 200.74, 200.92, and 200.93. Thus, this part gives regulatory effect to the OMB guidance and supplements the guidance as needed for the Administration.

**3. Standard Term - Award Expectations**

Non-federal entities must comply with the performance goals, milestones, outcomes, and performance data collection and related policy and guidance. Additional terms and/or conditions may be applied to this award if outstanding financial or programmatic compliance issues are identified by SBA.

**4. Standard Term - Future Funding**

Funding is subject to the availability of federal funds, and that matching funds, (if applicable), are verifiable, and progress of the award is documented and acceptable.

**5. Standard Term - Unallowable Costs**

Unless authorized under the Special Terms and Conditions, all costs incurred prior to the award issue date and costs not consistent with the funding opportunity and/or 2 CFR Part 200 are not allowable under this award.

**6. Standard Term - Prior Approval**

GOED anticipates that the entity may need to modify the entity's award budget or other aspects of its approved application during performance to accomplish the award's programmatic objectives. In general, non-federal entities are allowed a certain degree of latitude to re-budget within and between budget categories (10% or less) to meet unanticipated needs and to make other types of post-award changes, provided that the changes still meet the statutory program requirements and the regulatory requirements under 2 CFR Part 200, as applicable.

Items that require prior approval (i.e. formal written approval) from GOED, as indicated in either 2 CFR Part 200 or the SBA Grants Policy Statement, must be submitted in writing to the GOED within 45 days of grant expiration. Based on the nature, extent, and timing of the request, the GOED may approve, deny, or request additional material to further document and evaluate your request. Only responses provided by the GOED are considered valid. If GOED approves the request, an amended Notice of Award (NoA) will be issued. Verbal authorization is not approval and is not binding on GOED. Entities that proceed on the basis of actions by unauthorized officials do so at their own risk, and GOED is not bound by such responses.

Prior approval is required for, but is not limited to: Budget Revisions (more than 10% or when requesting a new budget cost category), Changes in Scope, Carryover Requests (that fall outside the term for the Expanded Authority for Carryover), and No Cost Extensions.

#### **7. Standard Term - Administrative and National Policy Requirements**

Public policy requirements are requirements with a broader national purpose than that of the Federal sponsoring program or award that an applicant/non-federal entity must adhere to as a prerequisite to and/or condition of an award. Public policy requirements are established by statute, regulation, DOJ, and OMB memorandums, or Executive order. In some cases, they relate to general activities, such as preservation of the environment, while, in other cases they are integral to the purposes of the award-supported activities. An application funded with the release of federal funds through a grant award does not constitute or imply compliance with federal statute and regulations. Funded organizations are responsible for ensuring that their activities comply with all applicable federal regulation requirements.

#### **8. Standard Term - Non-federal Entity Responsibilities**

- a. Conduct the project funded under this Award in accordance with Your approved proposal, budget, goals, milestones, timelines, or metrics. Changes to any of these guiding documents must be submitted to GOED for pre-approval in accordance with all Small Business Administration (SBA) terms and conditions.
- b. Be responsive to GOED requests for information and communication. Changes to Your organization's contact information must be reported promptly to GOED.
- c. Promptly advise GOED of any difficulties You encounter or anticipate encountering that may affect the conduct of Your project.
- d. Cooperate with all programmatic and financial examinations and any reviews conducted by GOED, its agents, or contractors. You will promptly address and act upon all findings regarding Your project made as part of any such process. Participate in SBA surveys and studies regarding the effectiveness and outcomes of the program/project, curriculum, types of assistance, service delivery methods, etc."

#### **9. Standard Term – Mandatory Disclosures**

Consistent with 2 CFR 200.113, applicants and non-federal entities must disclose in a timely manner, in writing to GOED and the SBA awarding agency with a copy to the SBA Office of Inspector General (OIG), all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Subrecipients must disclose, in a timely manner, in writing to the prime recipient (pass through entity) and the SBA OIG, all information related to violations of federal criminal law involving fraud, bribery, or gratuity violations

potentially affecting the federal award. Disclosures must be sent in writing to the awarding agency and to the SBA OIG and OGM at the following addresses:

US Small Business Administration  
Attention: Office of Grants Management  
409 3rd Street SW, Suite 5000  
Washington, DC 20416

**AND**

US Small Business Administration  
Office of Inspector General  
409 3rd Street SW, 5th Floor  
Washington, DC 20416

Failure to make required disclosures can result in any of the remedies described in 2 CFR 200.338 remedies for noncompliance, including suspension or debarment.

#### **10. Lobbying Restrictions**

Per 2 CFR §200.450, Recipients are subject to the restrictions on lobbying as set forth in 2 CFR part 200.

18 U.S.C. § 1913, No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to any such Member or official, at his/her request, or to Congress or such official, through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business, or from making any communication whose prohibition by this section might, in the opinion of the Attorney General, violate the Constitution or interfere with the conduct of foreign policy, counterintelligence, intelligence, or national security activities.

Violations of this section shall constitute as a violation of 31 U.S.C. § 1352(a).

#### **11. Drug-Free Workplace**

The Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.) requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. By signing the application, the Non-federal entity agrees to provide a drug-free workplace and will comply with the requirement to notify NIH if an employee is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. Government wide requirements for Drug- Free Workplace for Financial Assistance are found in 2 CFR part 182; SBA implementing regulations are set forth in 2 CFR part 382.400. All non-federal entities of SBA grant funds must comply with the requirements in Subpart B (or Subpart C if the non-federal entity is an individual) of part 382.

#### **12. Non- Transferability**

This Award may not be transferred or assigned (either in whole or in part) without prior written approval from GOED. Additionally, no interest in this Award may be conferred upon a third party

23 – State Guidelines: Updated and for Applications after December 1, 2023  
and the Award may not be pledged as collateral or security.

**13. Standard Term - Advancing Racial Equity and Support for Underserved Communities**

Executive Order: Advancing Racial Equity and Support for Underserved Communities through the Federal Governments (E.O. 13985 can be found at:

<https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government> )

**14. Standard Term - Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(G)), as amended, and 2 C.F.R. PART 175**

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. 2 C.F.R. § 175.15(b). See <http://www.gpo.gov/fdsys/pkg/CFR-2012-title2-vol1/pdf/CFR-2012-title2-vol1-sec175-15.pdf>.

**Award Term from 2 C.F.R. § 175.15(b): Trafficking in persons.**

- a) Provisions applicable to a recipient that is a private entity.
1. You, as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not:
    - a. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
    - b. Procure a commercial sex act during the period of time that the award is in effect; or
    - c. Use forced labor in the performance of the award or subawards under the award.
  2. We as the state awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity:
    - a. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
    - b. Has an employee who is determined by the agency official authorized to have violated a prohibition in paragraph a.1 of this award term through conduct that is either:
      - i. Associated with performance under this award; or
      - ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, "OMB Guidelines to Agencies on and Suspension (Nonprocurement)."
- b) Definitions. For purposes of this award term:
- i. "Employee" means either:
    - An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
    - Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
  - ii. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
  - iii. "Private entity":
    - Means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
    - Includes:

A nonprofit organization, including any nonprofit institution of higher education, hospital,



or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

A for-profit organization.

- iv. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

#### **15. Standard Term - Accessibility Provisions**

Non-federal entities of federal financial assistance (FFA) from SBA must administer their programs in compliance with federal civil rights law. This means that non-federal entities of SBA funds must ensure equal access to their programs without regard to a person’s race, color, national origin, disability, age, and in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. SBA provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency.

The SBA Office for Civil Rights also provides guidance on complying with civil rights laws enforced by SBA.

Recipients of SBA funds also have specific legal obligations for serving qualified individuals with disabilities. Please contact the SBA Office for Civil Rights for more information about obligations and prohibitions under federal civil rights laws at 1- 800-827-5722.

#### **16. Standard Term - Data Collection and Performance Measurement:**

All non-federal entities are required to collect and report evaluation data to ensure the effectiveness and efficiency of its programs under the Government Performance and Results (GPRA) Modernization Act of 2010 (P.L. 102-62). Non-federal entities must comply with the performance goals, milestones, and expected outcomes as reflected in the Notice of Funding Opportunity (NOFO) and are required to submit data per reporting requirements.

Please contact GOED for additional submission information.

#### **17. Standard Term - Procurement of Goods and Services:**

You may follow Your own procurement policies and procedures when contracting with Project Funds, but You must comply with the requirements of 2 C.F.R. §§ 200.317-200.326. Additionally, when using Project Funds to procure supplies and/or equipment, You are encouraged to purchase American-manufactured goods to the maximum extent practicable. American-manufactured goods are those products for which the cost of their component parts that were mined, produced, or manufactured in the United States exceeds 50 percent of the total cost of all their components. For further guidance regarding what constitutes an American-manufactured good (also known as a domestic end product), see 48 C.F.R. Part 25.

#### **18. Standard Term – Audits**

If You are not subject to the requirements of the Single Audit Act, You must prepare an annual financial statement. If Your organization has been categorized as a high-risk entity by GOED due to financial and/or performance issues, you will be required to obtain an audited annual financial statement at your own expense until such time as Your organization is removed from the high-risk category.

#### **19. Standard Term – Recordkeeping**

You must maintain complete and accurate records and supporting documentation of sufficient detail to facilitate a thorough financial, programmatic, and/or legal compliance audit or examination of this project. You must make these records available to GOED, its agents, its Office of Inspector

General, and/or Federal investigators on demand and provide them with unrestricted access to review and make copies of all products, materials, and data, including those prepared or stored electronically. At a minimum, the records You must maintain on this project include (as applicable):

- i. The time and attendance of employees whose salaries are charged to this Award, with sufficient detail to substantiate the claimed percentage of work performed in support of this project.
- ii. Contact information for project clients and a log of the type and amount of assistance provided.
- iii. An inventory of equipment purchased, in whole or in part, with award funds. This inventory must comply with the requirements of 2 C.F.R. § 200.313.
- iv. Copies of receipts, invoices, contracts, leases, and other supporting documentation for all expenses paid with Project Funds.
- v. Copies of checks, receipts, letters of donation, and other supporting documentation for all matching contributions related to this Award.

Records may be kept in hard copy, electronic, or facsimile form and must be retained for no less than three years from the date the final project report is due. For further guidance regarding recordkeeping requirements, see 2 C.F.R. §§ 200.333 – 200.337.

All Final Reports are due within one hundred and twenty (120) days after the expiration of the project period. The following reports are required.

- Final payment document
- Final Performance Report

## **20. Standard Term - Ad Hoc Submissions**

Throughout the project period, SBA may determine that a grant requires submission of additional information beyond the standard deliverables. This information may include, but is not limited to, the following:

- Payroll
- Invoices
- Consultant Contract documentation
- Proof of project implementation

## **21. Standard Term - FAIN/UEI**

The Unique Entity Identifier (formerly DUNS) number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A Unique Entity Identifier number may be obtained from the D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).

## **22. Standard Term – Governing Authority/Order of Precedence**

This Award is subject to the following requirements and representations, whether stated explicitly or incorporated by reference:

1. 15 U.S.C. 649(l) Award cover page and any other relevant, subsequently enacted laws.
2. The terms and conditions set forth above.
3. Your accepted application for this Award, including all forms and assurances, and any subsequently approved additions or modifications.

In the event of a conflict between these requirements, the Order of Precedence listed above will determine which prevails. Unless explicitly stated otherwise, all deadlines discussed in this Notice of Award will be measured in terms of calendar days. By signing the Notice of Award cover page, You acknowledge Your acceptance of all these requirements.

## Definitions

The definitions listed below apply to all SBA Awards. Additional definitions relating to a particular SBA program may be found in the grant program regulations, Program Announcement, and/or Special Terms and Conditions.

- a. Award – a conferral of Federal financial assistance to support a specific public project, whether in the form of a grant, cooperative agreement, or contract.
- b. Client – an entity receiving technical assistance under this Award. A Client may be an existing small business concern, or an individual interested in owning and operating a small business concern.
- c. Client Information – files and records concerning a Client, as well as any information that could be used to identify, contact, or locate a Client. Does not include statistics or similar data that is not attributed to a particular Client.
- d. Entity, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C: a. A governmental organization, which is a state, local government, or Indian Tribe; b. A foreign public entity; c. A domestic or foreign nonprofit organization; d. A domestic or foreign for-profit organization; and e. A Federal agency, but only as a subrecipient under an award or subaward to a nonfederal entity.
- e. Key Personnel – those individuals who play a crucial role in the conduct of a project. Examples include directors, managers, counselors, and instructors, but not support staff.
- f. Overmatch(ed) – a level of matching contributions that exceeds the amount required.
- g. Project Funds – all funds covered by the project budget. Includes both Federal funds and matching contributions (cash and in-kind) dedicated to the project.
- h. Subaward: a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the non-federal entity award to an eligible subrecipient. b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330). c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
- i. Unique entity identifier (UEI) means the identifier required for SAM registration to uniquely identify business entities.
- j. You – the non-federal entity organization (recipient) for the Award.

## **Program Specific Terms and Conditions**

### **You, the non-Federal entity, acknowledge You will:**

- Comply and conduct the project funded under this Award in accordance with Your proposal and approved budget. Changes to these guiding documents must first be submitted to GOED for pre-approval.
- Advise GOED promptly of any difficulties You encounter or anticipate encountering that may affect the conduct of Your project.
- Respond to GOED requests for information and communication. Changes to Your organization's contact information, must be reported promptly to GOED.
- Guidance on Manufacturing of Goods and Services – Eligible small business concerns engaged in STEP export activities must be an export-ready U.S. company seeking to export goods or services of U.S. origin or have at least 51% U.S. content. To clarify, the ESBC must be an export-ready U.S. company seeking to export goods or services that are EITHER: Of U.S. origin; OR have at least 51% U.S. content.
- Cooperate with all programmatic and financial examinations and any accreditation or certification reviews conducted by GOED, its agents, or contractors. You will promptly address and act upon all findings or recommendations regarding Your project made as part of any such process.
- Participate in SBA and GOED surveys and studies regarding the effectiveness and outcomes of the program/project, curriculum, types of assistance, service delivery methods, etc.