

**MWBE APPLICATION
GENERAL INSTRUCTIONS FOR OUT OF STATE BUSINESSES**

1. **FILLING OUT FORM**. Attached in **blue** you will find the instructions for the application. Each question on the application has a corresponding explanatory sentence in the 'Application Instructions.' Please fill out the application pursuant to the guidance contained in the 'Application Instructions.'
2. **DOCUMENTS**: Please note that the application includes documents that must be provided with the application. The application will not be considered complete and will not be reviewed unless all of the documents that must be filed with the application are submitted. Upon receipt of a completed application, the Finance and Administration Cabinet (FAC) will confirm its receipt by email via the application portal.
3. **OWNER INTERVIEW**: Upon submission of the application, staff from the FAC will conduct an application intake review and schedule an owner interview (if necessary). The purpose of the owner interview is to review additional documents to be submitted prior to the owner interview and to confirm that the applicant satisfies all criteria, particularly ownership, control, expertise and independence. The applicant should be prepared to provide the necessary documents and to answer any and all questions that FAC personnel may have.
4. **CERTIFICATION COMMITTEE**: After the application intake review is completed and the owner interview (if necessary) is completed and all documents have been deemed to be in order, the application will then be submitted for review to the Kentucky Business Certification Committee (Certification Committee) of the FAC. The Certification Committee shall review the application and the recommendation from the certification staff. The committee will certify, deny or defer the application. When the committee defers an application, certification staff shall respond to the questions posed by the Certification Committee.
5. **APPROVAL**: If the Certification Committee approves the application, then your Business will be certified as a Minority or Women Business Enterprise (MWBE) by the FAC for three (3) years from the date of approval. If the Certification Committee denies the application, you may appeal pursuant to number 6 (below) or reapply at a later date.
 - a. Annually on the anniversary date of the date of the certification, each certified Business shall send a document to the FAC representing there have been no material changes to the Business that would disqualify it from the certification program.
 - b. For Businesses relying on out-of-state certification as a basis for their eligibility to be certified by the FAC, please note that any certification by the FAC is dependent upon and contingent upon that Business maintaining the out-of-state certification.
6. **APPEAL RIGHTS**: If your Business is decertified or denied certification and you believe that the decision is erroneous, you can appeal to the Secretary of the Finance and Administration Cabinet. You will need to file your appeal with the Office of Equal Employment Opportunity (EEO) and Contract Compliance of the FAC within 30 days of the denial of certification in order for your appeal to be accepted. An appeal form may be downloaded from the Kentucky

Minority and Women Business Enterprise Certification website at mwbe.ky.gov and should be mailed, along with any supporting documentation to:

Attn: MWBE Appeals Processing
Office of EEO and Contract Compliance
200 Mero Street, 5th Floor
Frankfort, KY 40622

The Secretary of the Finance and Administration Cabinet will issue a Final Order based on the appeal form and supporting documentation you submit. The Secretary's Final Order may accept, reject, or modify a denial of certification, or other decision, issued by the Certification Committee. The Secretary's Final Order is the final determination of the Finance and Administration Cabinet, which may be appealed to the Franklin Circuit Court.

7. **OPEN RECORDS:** Please be advised that the application of your Business and any other documentation that you file with the FAC MAY be subject to disclosure to anyone who makes a proper request to the FAC under the "Open Records Act", KRS 61.800, et seq. Generally speaking, portions of your application and other documents that are considered "personal" (KRS 61.878(1)(a) or portions that may be "Confidential or Proprietary" MAY BE WITHHELD BY THE FAC. (See 10-ORD-001 & 99-ORD-220) The Office of General Counsel and the Office of EEO and Contract Compliance will attempt to rely on any DESIGNATION OF CONFIDENTIALITY OR PROPRIETARY INFORMATION made by you in responding to a valid Open Records request. Thus, you should clearly designate any information that you deem personal, confidential or proprietary as such, PRIOR to filing your application with the FAC. The FAC will also contact you to make you aware of any Open Records' requests that are made for your file. Please be further advised that the statements contained in this paragraph are general restatements of the law and are for informational purposes only.
8. **LEGAL ADVICE:** Please understand that there is no substitute for good counsel from your attorney of choice PRIOR TO FILING YOUR APPLICATION. Only an Attorney hired by your Business and acting on its behalf can render your Business timely and appropriate legal advice that can be relied upon by your Business.
9. **OUT OF STATE APPLICANTS ONLY:** An out-of-state business must apply to the Kentucky MWBE Program using the same business name under which it has been certified by a governmental certifying entity in the state where the principal place of business is located. If your Business is not currently certified by a governmental certifying body in the state where your principal place of business is located, you are not eligible to apply for certification in the Kentucky MWBE Program. Further, if your Business has not had an Onsite Review/Visit (physically or virtually done at your place of business with the program eligible owners) performed by a governmental certifying body in the state where your principal place of business is located within the past three (3) years, you are not eligible to apply for certification in the Kentucky MWBE Program.

Third party certifiers and non-governmental certifiers are not accepted in lieu of a governmental certification in the applicant firm's home state.

10. **APPLICATION PROCESSING:** Only applications submitted via the online application portal will be processed. Paper application submissions are no longer accepted.

The Finance and Administration Cabinet treats all applicants in the same manner to ensure equal, fair treatment. For this reason, your completed application will be reviewed and

processed in the order of its receipt. Failure to provide all necessary information and documentation as required shall constitute the basis for denying certification.

APPLICATION INSTRUCTIONS

Section I. Program Eligibility

1. Majority of ownership means at least 51% owned by a woman or racial/ethnic minority (note: racial/ethnic minorities are African American, Hispanic American, Asian Pacific American, Subcontinent Asian American or Native American).
2. Please verify that the minority and/or women owners are citizens of the United States or Lawfully Admitted Permanent Residents of the United States.
3. Please verify that the Business is located in the United States.
4.
 - a. Have the minority or women owners owned and operated the Business for at least a full year (365 days), either calendar or fiscal? If so, check 'yes'.
 - b. Enter the date operations started.
 - c. Has the Business been continuously operating at least one year (365 days), either calendar and fiscal, as evidenced by federal tax returns and other business records? If so, check 'yes'.
5.
 - a. Have the minority or women owners filed a federal Business tax return consisting of a full year (365 days), either calendar or fiscal? If so, check 'yes.'
 - b. Have the minority or women owners filed federal Business and personal tax returns for the most recently completed tax year? If so, check 'yes.'
6.
 - a. Is the business certified by a governmental entity such as MBE, WBE, MWBE or DBE in the applicant firm's home state? (Third party certifications are not governmental certifications.) If so, check "yes."
 - b. Has the governmental certifying body in the state where your principal place of business is located conducted a telephone interview or physical onsite review at your place of business within the past five (5) years? If so, check "yes."

Section II. General Information (not numbered on the application portal)

1. Please list the official, legal name of the Business (as filed with the Secretary of State) and any assumed name/DBA you wish to use for certification.

Please list the principal business address and any mailing address, email address, phone, and website (if applicable).

Please list the primary contact for the application.
2. Please indicate under which legal structure your Business operates.

3. Is the business full or part-time?
4. Number of full and part-time employees employed by the business.
5. Please indicate the Business's primary type of business (only one may be selected)
6. Briefly explain the type of work that your Business would be performing if certified.
7. Please list your firm's 'North American Industry Classification System code (also known as the 'NAICS' code). For a complete list of NAICS codes, please refer to the following link: <https://www.census.gov/naics/>
8. Please list your Federal Employer Identification Number (FEIN). **Do not list your social security number.**

Section III. Certification Information

1. Please check the certifications currently held by your Business. **Self-certification programs and third party-certifications are not recognized or accepted.**
2. List any and all denial(s) and/or decertification(s) that your Business has received while applying for or participating in a DBE, MBE or WBE program.

Section V. Ownership

1. Type of ownership: If your business has more than one type (i.e., individual, business entity, or trust) of ownership, please select all relevant ownership types.
 - The "Add+" button will allow you to add additional owners for each category.
 - All ownership should total 100%

Section VI. Control

1. Please list the owner(s) and any officers of the firm, race/ethnicity, gender and date of appointment.
 - The "Add+" button will allow you to add additional owners for each category.
2. Please list any licenses, permits, and/or certifications held by the owners, any key employees, and the firm. Licenses, permits and certifications do not include municipal business licenses unless they relate to a specific trade, nor registration with the Kentucky Secretary of State.

Section VII. Affidavit of Certification.

The program eligible majority owner should complete the Affidavit of Certification.

Section VIII. Documents Checklist

- A. Documents that must be provided with the Application
The "Add+" button will allow you to upload additional documents.

1. Please provide copies of any and all certifications from governmental entities, e.g. DOT DBE Program and/or SBA 8(A) Program or state MBE/WBE/MWBE certification program. **Self-certification and third party certification programs are not recognized or accepted.**
2. Please provide documents indicating business entity status such as Articles of Organization and annual reports filed with the Secretary of State in the firm's home state.
3. Please provide copies of any relevant licenses, permits, and/or certifications held by the owners, by any key employees, and by the firm. Licenses, permits and certifications do not include municipal business licenses unless they relate to a specific trade, nor registration with the Kentucky Secretary of State.
 - The "Add+" button will allow you to add additional entries.
4. Out of State Businesses ONLY: The FAC will request a copy of the Onsite Review/Owner Interview conducted by the governmental certifying entity in the state where your principal place of business is located. Please provide the name and address of the certifying entity, name of contact person, telephone number and email address. **Onsite reviews/owner interviews that are more than five (5) years old will not be accepted.**

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If you have any questions please call us at 502-564-2874; for the hearing impaired, please call the Kentucky Relay Service at 800-648-6056 or 711.

Email inquiries can be sent to: Finance.MWBE@ky.gov