

SBA

SOP 90 75 4

Outreach Activities

**Office of Communications and Public Liaison
U.S. Small Business Administration**



SMALL BUSINESS ADMINISTRATION STANDARD OPERATING PROCEDURE

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	SECTION	NO.

INTRODUCTION

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Table of Contents

Chapter 1: General Overview	6
1. What is the purpose of this SOP?	6
2. To whom does this SOP apply?.....	6
3. What is SBA’s authority for cosponsorships and other outreach?	6
4. How do I determine which part of this SOP applies to my outreach activity?.....	6
5. What is not covered by this SOP?	7
Chapter 2: Certification of RPOs.....	8
1. How does a Responsible Program Official (RPO) become certified?.....	8
2. Can RPO certification be revoked?	8
3. What responsibilities does an RPO have?	8
Chapter 3: SBA-Sponsored Activities.....	10
1. What is an SBA-sponsored activity?	10
2. How can appropriated funds be used for the expenses of an SBA-sponsored activity?	10
3. How can donated funds be used for the expenses of an SBA-sponsored activity?	11
4. Can SBA charge Participant Fees for SBA-sponsored activities?	11
5. Can SBA sponsor a political activity?.....	11
6. Can SBA use appropriated funds to support a policy?	11
7. Can other parties participate in SBA-sponsored activities?	12
8. How can a government official or candidate for public office participate at an SBA-sponsored activity?	12
9. What documentation must be completed for an SBA-sponsored activity?.....	13
Chapter 4: Third-Party Activities.....	14
1. What is a third-party activity?	14
2. What are some examples of third-party activities?	14
3. Who plans the third-party activity?	14
4. Can SBA’s logo be used for a third-party activity?.....	14
5. Do third-party activities go through a formal vetting process?.....	14
6. How can SBA funds be used for a third-party activity?.....	14
7. How can SBA publicize its participation in a third-party event?	15
8. May SBA employees, in their official capacities, speak at or be a part of the official program of a partisan political activity?	15
9. May SBA employees participate, in their official capacities, in an activity sponsored by a non-partisan political organization?	15
10. May SBA employees participate in a third-party activity that also includes candidates for public office?	16
Chapter 5: Strategic Alliance Memoranda	17
1. What is a Strategic Alliance Memorandum?.....	17
2. Who can be a SAM partner?.....	17
3. What is the term of the agreement?.....	17
4. What procedure must be followed to obtain approval?.....	17
5. When is a Strategic Alliance Memorandum the best outreach option?.....	18
6. What are examples of how Strategic Alliance Memoranda are used?	18

7.	Can a SAM support a joint activity?	18
----	---	----

Chapter 6: Cosponsorships – Purpose and Eligibility19

1.	What is the purpose of a cosponsorship?.....	19
2.	Do all events with a third party require a Cosponsorship Agreement?.....	19
3.	What entities is SBA permitted to enter into a cosponsorship with?	19
4.	What types of activities are allowable as a cosponsorship?	19
5.	What activities are not allowable as a cosponsorship?.....	22
6.	Are activities with grantees considered a cosponsorship?.....	22

Chapter 7: Cosponsorship Approval Process24

1.	When is cosponsorship approval required?.....	24
2.	What is the difference between a low-profile cosponsorship and a higher-profile cosponsorship?	24
3.	What is the process for obtaining approval of a low-profile cosponsorship?	24
4.	What is the process for obtaining approval of a higher-profile cosponsorship?	25
5.	What information must the Originating Office include in the Cosponsorship Agreement?	27
6.	What information must the Originating Office include in the cosponsorship budget?	28
7.	What does the Senior Outreach Manager consider in reviewing cosponsorships submitted from a District Office?.....	28
8.	How does OSA vet Cosponsors?.....	28
9.	How does OGC perform a conflict of interest determination?.....	29
10.	What additional factors does SBA consider when reviewing a cosponsorship with a government official or a member of his/her staff?	29
11.	How does the Originating Office learn if the Cosponsorship Agreement was approved?	30
12.	Who is responsible for obtaining the signature of the Cosponsors?.....	30
13.	What is the Oversight Committee?.....	30
14.	How do I request emergency expedited review of a Cosponsorship Agreement?	31
15.	How do I modify or amend the Cosponsorship Agreement?	31
16.	Who is responsible for the Cosponsored Activity before, during, and after its execution?	32

Chapter 8: Cosponsorship Funds.....34

1.	How is a Cosponsored Activity funded?	34
2.	How can Cosponsorship Funds be used?	36
3.	Does every cosponsorship require a budget?	36
4.	Does a cosponsorship budget need to have a zero balance?.....	36
5.	How do I prepare a cosponsorship budget?.....	36
6.	When is a cosponsorship required to have a Fiscal Agent and what are the Fiscal Agent's responsibilities?	37
7.	What costs should be reflected on a cosponsorship budget and what should be excluded?	37
8.	How do Cosponsorship Funds apply in a cosponsorship in which Participant Fees are charged?.....	38
9.	What do I do with excess funds that remain after a Cosponsored Activity?.....	38

Chapter 9: Post-Cosponsorship Responsibilities39

1.	When is a cosponsorship complete?.....	39
2.	What forms must I complete at the conclusion of a cosponsorship?.....	39
3.	How should I disburse excess funds after a Cosponsored Activity?.....	39

Chapter 10: Cosponsorship Material and Marketing and Promotion of Cosponsored Activities	42
1. Who approves Cosponsored Materials?	42
2. What disclaimers must be used with Cosponsorship Material?	42
3. When can SBA’s logo be used in Cosponsorship Material?	43
4. What materials may be used to market and promote a cosponsorship?	43
5. How can Cosponsorship Materials recognize the contributions of SBA and the Cosponsor(s)?	43
Chapter 11: Role of SBA Employees in Cosponsorships	45
1. What is the Role of SBA Employees in a Cosponsored Activity?	45
2. Can SBA employees solicit potential Cosponsors or Donors?	45
3. Can SBA employees participate in registration for an activity and collection of Participant Fees?	45
4. Can SBA employees attend a Cosponsored Activity?	45
5. Can SBA employees partake of food at a Cosponsored Activity?	46
Chapter 12: Use of SBA Logo	47
1. Where can I find SBA’s logo?	47
2. May SBA’s logo be altered in any way other than size?	47
3. What are the general rules regarding the use of SBA’s logo?	47
4. For what purposes may SBA employees use the Agency’s logo?	47
5. May SBA put its logo on personal or promotional items?	47
6. May outside organizations or individuals use SBA’s logo?	48
7. May participants in SBA programs display the Agency’s logo?	48
8. May SBA make use of the logos of outside parties?	49
9. Can SBA’s logo be used for a third-party activity?	49
10. What should RPOs consider in determining whether to authorize logo use by a third party?	49
11. Must a disclaimer be used in connection with SBA’s logo?	50
12. What should I do if I believe SBA’s logo has been used improperly?	50
Appendix A: Forms	51
Appendix B: Definitions	58

Chapter 1: General Overview

1. What is the purpose of this SOP?

This SOP establishes Small Business Administration (SBA) policy on all Agency Outreach Activities. This SOP sets forth SBA policy on cosponsorships, strategic alliance memoranda (SAMs), SBA-sponsored activities, and SBA participation in third-party activities. This SOP also sets our policy on the usage of SBA's logo in outreach activities.

2. To whom does this SOP apply?

This SOP applies to all SBA employees and contractors, except for employees of the Office of Inspector General, unless otherwise noted.

3. What is SBA's authority for cosponsorships and other outreach?

SBA's outreach activities, including cosponsorships, are governed by various Public Laws and authorities including:

- a. Cosponsorship authority § 132(a) of Division K of Public Law 108-447.
- b. Authority to provide technical, managerial, and informational aids, 15 U.S.C. § 637(b)(1)(A)
- c. SBA's regulations on cosponsorships, SBA-sponsored activities, and gifts, 13 C.F.R. Part 106.
- d. Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.

4. How do I determine which part of this SOP applies to my outreach activity?

Chapter 2 describes how Responsible Program Officials (RPOs) are certified and what their responsibilities are.

Chapter 3 on SBA-sponsored events applies to an event or activity for which SBA is principally responsible and accountable. As further explained in Chapter 3, SBA-sponsored events may be conducted using Gifts or other contributions from third parties. The provision of cash and in-kind Gifts is governed by SOP 90 53.

Chapter 4 on third-party events applies to SBA's participation in an event or activity conducted by a third party, where SBA's participation is discrete and limited. Examples include having an SBA official speak at a third party's conference, writing an article in a third party's publication, or hosting an SBA booth at a third party's expo.

Chapter 5 on SAMs applies where the use of those agreements is available under the terms of that chapter. In general, SAMs may be used by SBA district offices with the approval of the Office of Strategic Alliances (OSA) to enter into a long-term engagement with a non-profit or government party to provide information and other aids to small businesses. No funds can be transferred through a SAM.

The chapters governing cosponsorships (chapters 6-11) apply where legal authority to conduct the activity with the Cosponsor comes from SBA's statutory authority to enter into cosponsorships. A Cosponsored Activity is the joint responsibility of SBA and the Cosponsors.

5. What is not covered by this SOP?

Gifts to the Agency are governed by SOP 90 53 and gifts to individual SBA employees are governed by 5 C.F.R. Part 2635. This SOP applies only to activities for the public or groups of people that are not federal employees or contractors. The SOP does not apply to activities that are conducted solely for SBA employees, contractors, or grantees, or a combination of those.

Chapter 2: Certification of RPOs

1. How does a Responsible Program Official (RPO) become certified?

A District Director, a Regional Administrator, an Associate Administrator or a Deputy Associate Administrator or an Assistant Administrator may become an RPO and exercise outreach authority and responsibility within his or her office. Deputy District Directors may also become RPOs, and each Associate Administrator, or Deputy Associate Administrator acting in his behalf, may designate no more than two subordinate employees at the GS-15 level or higher to become RPOs. The latter RPOs may exercise their authority only if the District Director, Associate Administrator, or Assistant Administrator who appointed them permits them to do so.

An RPO candidate must first pass a test to show command of the laws, regulations, and policies of the Agency with respect to outreach. The RPO candidate's Program Office AA and the AA/OCPL will then certify the candidate as an RPO.

The Office of General Counsel will develop training, which will be available to all employees, and an online test. The training and the test will cover all matters related to outreach, including gifts to the Agency (see SOP 90 53). Passing the test will qualify the individuals described in the first paragraph of this section to serve as RPOs.

RPO certification must be renewed every three years. OCPL will track an RPO's performance, and may report concerns (for example, failure to seek timely approval or poorly drafted outreach requests) to an RPO's rating official.

2. Can RPO certification be revoked?

RPOs must exercise appropriate judgment during the course of engaging the Agency in outreach activities. In joint consultation, a Program Office AA and the AA/OCPL may suspend or revoke RPO certification—and further impose a waiting period on becoming recertified—if the RPO exercises poor judgment. Examples of poor judgment include permitting an inappropriate party to use the SBA logo, permitting SBA's logo to be used for commercial endorsement, or failing to recognize conflicts of interests with potential outreach collaborators.

If an RPO is decertified, the remaining certified individuals in that office may continue to conduct outreach. An RPO from another office may approve outreach activities if there is no certified RPO in a particular field or program office.

3. What responsibilities does an RPO have?

An RPO may authorize the use of the SBA logo, initiate cosponsorships, initiate solicitation and acceptance of gifts to the Agency under SOP 90 53, organize SBA-sponsored events, authorize SBA's appearance at an event organized by an outside entity,

and initiate a Strategic Alliance Memorandum. Cosponsorships, Gifts, SAMs, and certain activities with candidates for public office require further approval as described in this SOP and SOP 90 53.

District Director RPOs and their RPO Deputies should consult with the district counsel assigned to their offices or OCPL for guidance, particularly for outreach efforts which are not subject to higher-level approval. RPOs in headquarters may seek advice from OCPL, OGC and the Designated Agency Ethics Official.

Chapter 3: SBA-Sponsored Activities

1. What is an SBA-sponsored activity?

An SBA-Sponsored Activity is an event, activity, or initiative that is planned and conducted solely by SBA. Other parties may participate in SBA-sponsored activities in accordance with this chapter. Under appropriate circumstances, SBA-sponsored activities may include training, disseminating information about small business and SBA programs, fostering business networking, and publicizing the achievements of small businesses. Examples of SBA-sponsored activities include awards to small businesses, speeches, seminars, luncheons, trainings, and receptions. Attendees may include government employees and private individuals.

2. How can appropriated funds be used for the expenses of an SBA-sponsored activity?

SBA can use appropriated funds for necessary expenses which are directly related to an SBA function and not prohibited by law. Expenses must comply with appropriations and procurement requirements. Consult the Denver Acquisition Office for procurement concerns particularly for purchases of supplies over \$3,000 and services over \$2,500. Use of funds must also satisfy applicable documentation requirements (such as completion of a Form 2).

Examples of expenses for SBA-sponsored events that can be paid for using appropriated funds include:

- Travel expenses of SBA employees;
- Travel expenses of private individuals to attend an SBA-Sponsored activity only if SBA can justify the expense as an official travel expense under SOP 20 11;
- Space rental;
 - SBA can pay for facilities rental that includes food if, and only if, the fee charged to SBA is not more than the rental cost of comparable rental facilities which do not include food;
 - All hotel and facility contracts must be executed by the Acquisitions Office;
- Decorations, e.g. flower arrangements;
- Printing, e.g. invitations, programs and agendas;
- Nametags;
- SBA signs and banners, but not signs/banners for other entities;
- Fees for equipment, e.g. audio-visual, projectors;
- Photography, but only for documenting purposes;
- Postage, e.g. to mail invitations; and
- Awards, e.g. framed certificates and plaques.

The following expenses cannot be paid for with appropriated funds:

Entertainment expenses associated with the event, including music, food and beverages, or such things as golf tournaments. You may use appropriated funds, however, to pay for food and nonalcoholic beverages for private individuals on invitational travel, and non-government speakers at SBA-sponsored events. Of course, employees who go on official travel are eligible for per diem reimbursement.

The travel costs of private individuals, including award recipients, except you may use appropriated funds to pay for the travel expenses of individuals on invitational travel under the conditions, and in the amounts, described in SOP 20 11 (Travel).

3. How can donated funds be used for the expenses of an SBA-sponsored activity?

- a. Donated funds can be used to pay for agency expenses of SBA-sponsored activities if deposited and disbursed in accordance with SOP 90 53. Consult the OCFO for use of the BAT fund.
- b. SBA may provide limited recognition to its donors. The recognition may be oral or in writing. When recognizing a donor, SBA must avoid the appearance of an endorsement or promotion of the donor's products or services. It is permissible to thank the donor and use the donor's name and logo. SBA may thank its donors verbally or in writing by stating something like the following: "SBA gratefully acknowledges the evening meal provided by XYZ Corp."
- c. Except when doing so is impractical due to space constraints, if written recognition of a donor is given, the recognition must be accompanied by the following disclaimer: "SBA's acceptance of this Gift does not constitute an endorsement of the views, opinions, products or services of the donor or any other person or entity."

4. Can SBA charge Participant Fees for SBA-sponsored activities?

No. SBA does not charge participant fees for SBA-sponsored activities.

5. Can SBA sponsor a political activity?

No, SBA shall not sponsor a political activity. A "political activity" is one that is primarily designed to facilitate, or is directed toward, the success or failure of a political party, candidate for public office, or political group. A political fundraising event or activity must always be considered a political activity.

6. Can SBA use appropriated funds to support a policy?

The Anti-Lobbying Act, 18 U.S.C. § 1913, prohibits SBA from using appropriated funds to directly or indirectly pay for any communications or services intended to influence any executive, legislative or judicial official on the Federal, State, or local level to favor or oppose any legislative, policy, appropriation or ratification action. This does not prohibit an SBA official from educating the public about what SBA's position is with respect to a

specific issue. But, (for example), an SBA official cannot deliver a public speech in an official capacity explaining SBA's budget constraints *and* asking the audience to tell the President that SBA should receive a more substantial appropriation to run its programs.

7. Can other parties participate in SBA-sponsored activities?

Yes, although an SBA-sponsored activity is conceived, initiated and implemented by SBA, outside parties may participate in the event. An outside entity may contribute a speaker or a venue, for example. Outside entities may market SBA's event to their audience. Contributions from outside entities must be processed as gifts to the agency under SOP 90 53, unless exempted by the terms of that SOP or unless they constitute gifts to individual SBA employees under ethics rules. Such gifts should be recognized and acknowledged in the manner described in paragraph 3 of this Chapter. Services provided under contract, and services ordinarily available to the public or to the federal government without charge, are among those exempt from the Gift SOP. For example, the use of a library meeting room or Chamber of Commerce conference room would be exempt from the Gift SOP if ordinarily made available to the public or federal government without charge. The contribution of a speaker is not considered a Gift unless the speaker would ordinarily charge a government agency for speaking.

8. How can a government official or candidate for public office participate at an SBA-sponsored activity?

Cautioning speakers about political speech: If a Federal, state or local government official or a member of his/her official staff, or a candidate for public office or a member of his/her official staff or campaign staff, wishes to participate in a SBA-sponsored activity as a speaker or as part of the official program, the RPO may advise the official or candidate, or his or her staff, orally or in writing, in advance of the event, that the official's, or the candidate's, remarks shall not be designed to facilitate or be directed toward the success or failure of a political party, candidate for public office, or a political group.

Candidate for public office: A candidate for public office, or a member of his/her official office or campaign staff, must not appear as a speaker at, or be a part of the official program of, an SBA-sponsored activity if that activity will take place within thirty (30) calendar days before a primary or general election in which the candidate is on the official ballot (unless the upcoming election is a primary and the candidate is the only candidate for a particular office on the primary ballot), without the written approval of SBA's Chief of Staff (or designee). Requests for such approval must be submitted in writing through the Designated Agency Ethics Official (DAEO) and provide the following information:

- a. Provide a short description of the SBA-sponsored activity.
- b. Identify when and where the activity is going to take place and whether it is going to be in the candidate's home district or state.

- c. Identify what kind of election is involved and how many calendar days prior to the election the activity will take place.
- d. Identify (by name and title) the candidate for public office (or the member of his or her staff, if applicable), that will participate in the activity and the public office for which he/she is a candidate.
- e. Identify the specific role the candidate or staff member will have at the activity.
- f. Explain whether the candidate has an official or historical connection or involvement with the issue or subject to be addressed at the activity, with the host organization, or with the activity itself.

9. What documentation must be completed for an SBA-sponsored activity?

Training. If the event includes training, the RPO may but need not distribute copies of the SBA Form 20 to the participants and collect the responses.

Gifts. If the event was supported by Gifts (including in-kind Gifts), submit SBA Form 1962 (or 1962-A if the Gifts were not solicited). Be sure to comply with SOP 90 53 and get the necessary approvals, including Vetting, before accepting the Gift.

10. How may SBA use the logos of outside parties?

See chapter 12, section 8 on using the logos of outside parties in SBA-sponsored events.

Chapter 4: Third-Party Activities

1. What is a third-party activity?

A third-party activity is an event or other activity planned, organized and executed by one or more third parties. SBA's role in the activity is conducted by invitation of the third party. These are sometimes called "piggyback" activities or "invited guest" activities.

2. What are some examples of third-party activities?

Examples of third-party activities include speaking at a conference, conducting training (consistent with relevant ethics rules) as part of a third party's larger activity, participating in a radio or newspaper interview, or staffing a booth at an expo. Because 17 U.S.C. § 105 prevents the U.S. government from claiming domestic copyright in government works, providing editorial content to media sources is generally considered a third-party activity, though SBA should take care to avoid the appearance of government sanction or of providing preferential treatment to any third party.

3. Who plans the third-party activity?

The third party plans the event or activity and is responsible for its execution. SBA does not plan or execute the activity. SBA's role is limited by the scope of the invitation extended by the third party.

4. Can SBA's logo be used for a third-party activity?

See Chapter 12, sections 9 and 10 for guidance on the use of SBA logo in a third-party activity.

5. Do third-party activities go through a formal vetting process?

Third-party activities are not required to be vetted in the same manner as gifts to the Agency and cosponsorships. Nevertheless, the RPO for the office participating in the third-party activity should consider whether SBA's participation presents a reputational risk to the agency or creates the appearance of governmental sanction under relevant ethics rules. The RPO should consult with district counsel or an agency ethics official if questions arise.

6. How can SBA funds be used for a third-party activity?

SBA is permitted to use Agency funds to support the Agency's own participation in the event. For example, Agency funds may be used to pay for employee's travel expenses, pay for employee registration fees, or rent booth space at an expo. All uses of Agency funds for these purposes must comply with applicable appropriation statutes, regulations, and policies. Consult the Denver Finance Center if you have questions.

7. How can SBA publicize its participation in a third-party event?

SBA may publicize that it is speaking or participating in a third-party activity through online postings, social media, newsletters, or other public announcements. This may include adding SBA's participation to an office's calendar of events. SBA should not actively encourage the public to register for a third party event unless the event is being sponsored by another Federal Agency or by an SBA resource partner who is an SBA grantee; however, SBA may state that it is attending or participating and provide details concerning its participation. SBA may give the name of a contact person, a phone number or a website address for the organization hosting the event. To the extent feasible, SBA's communication about a third-party event should state that SBA is not endorsing the host, or its products or services, and that SBA cannot attest to the accuracy of information provided by the third party. SBA may endorse the products or services of another Federal Agency or resource partner who is an SBA grantee, and may actively encourage attendance at an event being sponsored by another Federal Agency or resource partner who is an SBA grantee. The RPO is responsible, consistent with this SOP and relevant ethics rules, for determining whether SBA's publicity is appropriate and may contact OMCS or district counsel for guidance.

8. May SBA employees, in their official capacities, speak at or be a part of the official program of a partisan political activity?

No. Under the Hatch Act (see 5 USC §§ 7321-7326) SBA employees, in their official capacities, shall not speak at or be a part of the official program of a partisan political activity. A "partisan political activity" is one that is designed to facilitate, or is directed toward, the success or failure of a partisan political party or organization, or a partisan candidate for office. See 5 CFR § 734.101. A partisan political fundraising event or activity will always be considered a partisan political activity for Hatch Act purposes. If you have questions concerning what constitutes "partisan political activity," or concerning Hatch Act restrictions generally, please contact your Agency ethics official.

9. May SBA employees participate, in their official capacities, in an activity sponsored by a non-partisan political organization?

Yes, under certain limited circumstances, SBA employees may, in their official capacities, speak at or be a part of the official program of an activity sponsored or hosted by non-partisan political organization, as long as: 1) the employee's participation would further the mission of the Agency; 2) the event or activity is not designed to facilitate, or is not directed toward, the success or failure of a candidate for public office; and 3) the employee's participation would not violate applicable ethics rules or Agency policy. A non-partisan political organization is one that exclusively concerns itself with non-partisan elections and does not engage in "partisan political activity." A non-partisan election is one in which none of the candidates are nominated or elected as representatives of a partisan political party. See 5 C.F.R. § 734.101. Applicable ethics rules may be found at 5 CFR Part 2635 and they include prohibitions against misusing one's official title or position and fundraising restrictions. If you have any questions concerning what constitutes a non-partisan political organization or how applicable ethics rules might apply to your involvement in an activity sponsored or hosted by a non-partisan political organization, please contact your Agency ethics official.

10. May SBA employees participate in a third-party activity that also includes candidates for public office?

SBA employees, in their official capacities, must not appear as a speaker or be a part of the official program of a third-party activity that includes a candidate for public office who is also appearing as a speaker or as part of the official program, if that activity will take place within thirty (30) calendar days before a primary or general election in which the candidate is on the official ballot (unless the upcoming election is a primary and the candidate is the only candidate for a particular office on the primary ballot), without the written approval of SBA's Chief of Staff (or designee). Requests for such approval must be submitted in writing through the Designated Agency Ethics Official (DAEO) and provide the following information.

- a. Provide a short description of the third-party-sponsored activity and identify the host(s) of the activity.
- b. Identify when and where the activity is going to take place and whether it is going to be in the candidate's home district or state.
- c. Identify what kind of election is involved and how many calendar days prior to the election the activity will take place.
- d. Identify (by name and title) the candidate for public office (or the member of his or her staff, if applicable), that will participate in the activity and the public office for which he/she is a candidate.
- e. Identify the specific role the candidate or staff member will have at the activity.
- f. Explain whether the candidate has an official or historical connection or involvement with the issue or subject to be addressed at the activity, with the host organization, or with the activity itself.

If such approval is granted, the SBA employee must limit his or her remarks to official SBA business and strictly adhere to the requirements of the Hatch Act and its implementing regulations (5 C.F.R. Part 734).

Chapter 5: Strategic Alliance Memoranda

1. What is a Strategic Alliance Memorandum?

Section 8(b)(1) authorizes the Agency to provide “technical, managerial and informational aids” to small businesses by cooperating and advising with voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions; and other Federal and State agencies. The Strategic Alliance Memorandum (SAM) is the Agency’s principal tool for carrying out this authority to provide information through cooperation with non-profit and governmental organizations.

As such, a SAM may be used to foster cooperation and a working relationship between SBA and one or more non-profit or governmental entities in order to expand small business development in the community. The SAM often is used to provide structure for SBA-sponsored activities or third-party activities. The SAM also can be used to initiate negotiations for cosponsorships, which would require execution of a separate cosponsorship agreement.

2. Who can be a SAM partner?

Non-profit organizations and governmental agencies are eligible SAM partners. Resource partners are not eligible.

A SAM can be signed with multiple non-profit or government partners.

3. What is the term of the agreement?

The agreement is effective for a period of two (2) years unless terminated earlier by one of the parties. A party may terminate its participation under the SAM at any time, with or without cause, upon thirty (30) days written notice to the other parties.

4. What procedure must be followed to obtain approval?

After completing the SAM template (available on the OSA intranet site), the originating office forwards the draft agreement to the Office of Strategic Alliances for review and execution. If no changes have been made to the template agreement, legal review is not required. If changes have been made, legal review by local counsel is required and a copy of the counsel opinion must accompany the draft agreement when it is sent to the Office of Strategic Alliances.

After the Agreement is signed on behalf of SBA, the original copies will be returned to the Responsible Program Official to obtain signatures from the partners. One copy is kept by the Responsible Program Office, one copy is kept by the partner entity and a copy is returned to the Office of Strategic Alliances.

5. When is a Strategic Alliance Memorandum the best outreach option?

The RPO will assess the purpose and scope of the proposed event or project to determine the best fit. From an OFO district office perspective the SAM is most widely used as it provides the guidance and structure needed for a majority of the activities planned in outreach and marketing. A typical SAM will spell out the purpose, the scope and responsibilities, the term of the agreement which refers to start and end dates and processes to adjust either, amendments and the listing and signatures of the responsible parties.

6. What are examples of how Strategic Alliance Memoranda are used?

SAMs have been used to:

- a. Engage other federal government agencies on outreach and marketing to underserved communities, including informing small businesses of SBA's and the other agency's programs and services.
- b. Develop a partnership with local development agencies to provide information on SBA program and services, and plan collaborative events.
- c. Engage non-profit organizations to develop training for business owners for which SBA will provide trainers and subject-matter experts.
- d. With local government agencies, assess the needs of particular populations (e.g., veterans) and create collaborative outreach and training efforts.

7. Can a SAM support a joint activity?

A SAM may be used to structure an SBA-sponsored activity or third-party activity that involves participation from the other party. A SAM cannot be used to circumvent the cosponsorship approval process. Cosponsored training and outreach activities require a separate signed agreement developed pursuant to SBA's cosponsorship authority. If a SAM contemplates cosponsorships, each cosponsorship must have its own separate cosponsorship agreement. RPOs should be careful not to enter into SAMs which appear to commit SBA to participate in activities not permitted by law or policy.

Chapter 6: Cosponsorships – Purpose and Eligibility

1. What is the purpose of a cosponsorship?

Public Law authorizes the Agency to provide assistance for the benefit of small businesses through Cosponsored Activities with any Eligible Entity. This assistance must be for U.S. businesses and further the mission of the Agency. Assistance generally includes training, education, or dissemination of information. A Cosponsored Activity must be planned and conducted by SBA and one or more Cosponsors. A cosponsorship is an agreement jointly conceived and administered by SBA and the Cosponsor(s) to conduct activities or events consistent with SBA's mission, and that of the Cosponsor(s). All cosponsorships must be established through a written agreement and conducted by the terms of that agreement.

2. Do all events with a third party require a Cosponsorship Agreement?

No, only events jointly planned and conducted by SBA and Cosponsors under SBA's statutory cosponsorship authority require a Cosponsorship Agreement. SBA-sponsored events are conducted and planned solely by SBA, and SBA can invite participation by third parties through Gifts or other contributions. Third-party events do not require a Cosponsorship Agreement because SBA is not involved in the planning and conduct of the event. Activities that are conducted solely with other federal government agencies do not require a cosponsorship. Activities that are conducted solely with grantees might not require a cosponsorship, if they meet the guidance in section 6 of this Chapter.

3. With what entities is SBA permitted to enter into a cosponsorship?

SBA may enter into a Cosponsorship Agreement with any Eligible Entity with whom such partnership would not create a conflict of interest with the Agency. An Eligible Entity must be a for-profit or not-for-profit entity, or a Federal, State or local government official or entity. An individual who is not a government official is not an Eligible Entity. Certain entities which would otherwise be eligible are rendered ineligible because of their relationship with SBA. Chapter 7 sets forth the process by which the Office of Strategic Alliances and the Office of General Counsel determine whether a proposed Cosponsor may enter into a cosponsorship with SBA. See chapter 7 for additional discussion on cosponsorships with Public Officials and candidates for public office.

4. What types of activities are allowable as a cosponsorship?

Many types of activities may be Cosponsored Activities so long as the activity is jointly planned and conducted by SBA and the Cosponsors and provides assistance for the benefit of small businesses. Acceptable Cosponsored Activities may include, but are not limited to the following:

- a. Training or Webinar. This includes an activity in which presenters from SBA, a Cosponsor, or a third party actively deliver an instructional program with information or experiences on SBA programs or services, or a business-related subject. Training may be conducted in-person classroom style, or online via a

webinar. Training activities planned and conducted solely by SBA are not considered Cosponsored Activities.

- b. Publications. This includes stand-alone print or electronic publications which contain information on SBA programs and services. These publications may also include general information on other topics of interest to small business owners so long as the content is appropriate and approved in advance in writing by the Responsible Program Official. SBA's participation in publications might alternatively be structured as a third-party activity or a gift to the agency under SOP 90 53.
- c. Web Pages or Sites. The phrase cosponsored web pages or sites refers to a variety of activities including (1) the actual Cosponsored Activity itself, (2) a means to host the Cosponsored Activity (i.e., online training, digital publication or podcast), or (3) a means to advertise or register participants for the Cosponsored Activity. Regardless of the circumstance, cosponsored web pages or sites must not include commercial activity (the selling or promotion of a product or service other than the Cosponsored Activity). For example, the Cosponsor could not place a banner ad on a cosponsored Web site to advertise a 2-for-1 sale of its product. All Cosponsored web pages or sites must include information or links to SBA programs and services. They may also include general information on topics of interest to small business owners so long as the content is appropriate and approved in advance in writing by the Responsible Program Official. Web-based advertising, in any format, is not permissible on Web sites within the www.sba.gov domain. See SOP 90 56 for more restrictions applicable to SBA websites.
- d. Television and Radio Programs, Videos and Podcasts.
 1. Original programs. SBA may cosponsor television or radio programs, videos and podcasts, so long as the show is original (for example, a television or radio special) and the content includes appropriate references or discussions of SBA products and services. These programs may also include general information on other topics of interest to small business owners so long as the content is appropriate and approved in advance in writing by the Responsible Program Official.
 2. Existing programming. SBA may not cosponsor a pre-existing, regular television or radio program or podcast. Consistent with applicable ethics rules in 5 C.F.R. Part 2635, SBA employees may appear on these shows as guests. An SBA employee's guest appearance on television, radio or podcast is considered to be participation in a third-party event under this SOP, not a cosponsorship.
 3. Advertising.
 - a. Because a cosponsor may not make a profit from a cosponsorship, SBA's participation in a program, TV, radio or podcast) that sells advertising, is generally structured as participation in a third-party activity, not a cosponsorship. Alternatively, the third party may give this

- time to SBA as a gift to the Agency. Where the third party offers such a gift, the offer will be processed as an unsolicited gift under SOP 90 53.
- b. Where a third party offers an advertising spot (i.e., five minutes or less) to SBA, in which SBA educates the public about the services SBA offers, it should be processed as an unsolicited gift to the Agency, rather than a cosponsorship.
 - c. Where a third party offers an advertising spot in which the third party describes the benefits it received from SBA and SBA educates the public about the services SBA offers, it may be processed as a cosponsorship or as an unsolicited gift to the Agency.
 - d. Nothing in this paragraph prevents cosponsors or SBA from advertising or otherwise marketing a cosponsored event. SBA may advertise a cosponsored event.
- e. Counseling. One-to-one counseling may be a part of a Cosponsored Activity only if the counseling is performed by an SBA employee whose job description includes counseling responsibilities, by an SBA grantee that provides counseling services as part of its SBA funded activity, or by a co-sponsor if the following disclaimer is displayed at the activity: “This cosponsored event may include counseling performed by people other than SBA officials. SBA makes no representation as to the accuracy or reliability of such counseling”.
 - f. Recognition Events. Events that solely celebrate the contributions of small business, small business owners, or small business advocates may be a Cosponsored Activity. Awards given at such activity must be part of an SBA-established program of recognition, or approved in advance by the RPO. SBA-established awards must be approved by the Administrator or the Associate Administrator for Communications and Public Liaison, or other Administrator designee. An example of an activity that is part of an SBA-established program of recognition is SBA’s Small Business Person of the Year.
 - g. Matchmaking Activities. Activities designed to bring government and private sector resources together with small business owners are permissible so long as the activities are (1) not exclusive to any one group and (2) no business transactions (e.g., signing of contracts) take place during the Cosponsored Activity.
 - h. Discrete or Severable Segments of an Overall Activity. Eligible Entities may cosponsor all or a portion of an SBA-sponsored activity so long as each Cosponsors’ roles and responsibilities are clearly defined in the Cosponsorship Agreement and each activity’s expenses and source of revenue, as relevant, is distinguishable in the budget. Each Cosponsor must sign the Cosponsorship Agreement.

Similarly, SBA may cosponsor a portion of an Eligible Entity’s third-party activity so long as the portion SBA is cosponsoring conforms to law and SBA policy governing cosponsorships. SBA’s cosponsored portion must be easily distinguishable as a discrete segment of the overall activity. A Cosponsorship Agreement must be drafted to cover the segment of the overall activity to be cosponsored.

5. What activities are not allowable as a cosponsorship?

Certain types of activities are not suitable as a cosponsorship because they are illegal, create appearance problems for the Agency, subject the Agency to additional liability, or are otherwise inappropriate activities for SBA. This includes but is not limited to the following:

- a. Advertising. While advertising the Cosponsored Activity itself may be one component of a Cosponsored Activity, the sole objective of the cosponsorship must not be advertising. Advertising is broadly defined as the practice of calling something to the attention of the public by paid announcement.
- b. Existing Commercial Products, Publications, Programs, and Training activities. SBA must not cosponsor a pre-existing publication, software program, training program, web site, or any other commercial product or service if SBA did not play a role in its creation. Cosponsorships involving an existing product or program are permissible only if SBA provides a substantial amount of new content, thus creating a new program. SBA should ensure that it obtains sufficient intellectual property rights to fulfill its mission and its responsibilities under the cosponsorship.
- c. Political Activities. SBA must not cosponsor a political activity. A political activity is one that is primarily designed to facilitate, or directed toward, the success or failure of a political party, Candidate for Public Office or political group. A political fundraising event or activity will always be considered a political activity.
- d. Fundraising Activities. SBA must not cosponsor activities which also serve, in whole or in part, as fundraising for the Cosponsor.
- e. Receptions. SBA must not cosponsor an activity that is solely a social reception. Social reception refers to activities where the sole purpose is to mingle with others while refreshments are served and SBA does not have a formal opportunity make a presentation on SBA programs and services. While a modest reception may be one component of a Cosponsored Activity, it may not be the only or primary activity.

6. Are activities with grantees considered a cosponsorship?

SBA administers several Congressionally-mandated grant programs under which SBA provides financial assistance to recipient organizations that in turn provide some form of assistance (e.g., training, counseling or other services) to the small business community. The scope of this assistance is established in the recipient organization's Cooperative Agreement. A recipient organization is the legal entity which received the grant award. It should be noted that many SBA grant recipients participate in activities both within and outside of the scope or authority of its Cooperative Agreement.

- a. Activities within the scope of the Cooperative Agreement. SBA may co-host an activity with a grant recipient organization without drafting a Cosponsorship Agreement when the proposed activity is authorized in the Cooperative Agreement. If the activity is authorized by the Cooperative Agreement it is considered "within the scope of the Cooperative Agreement." Therefore, SBA and the grant recipient may co-host the activity under the authority of the Cooperative Agreement. No additional documentation is required. The terms and conditions of the Cooperative

Agreement govern the activity. Under its Cooperative Agreement, a grant recipient is allowed to charge participants a reasonable fee to cover the costs associated with holding the activity. Any fees charged are considered program income.

- b. Activities with multiple grantees. An activity between SBA and multiple grant recipients does not require a Cosponsorship Agreement, provided the activity is within the scope of each grantee's Cooperative Agreement.
- c. Cosponsoring with grantees and non-grantees. When SBA sponsors an activity with one or more grant recipients and one or more non-grantees, a Cosponsorship Agreement is required. All cosponsorship rules apply.
- d. Activities outside the scope of the Cooperative Agreement. Though a Cosponsorship Agreement is not appropriate for an activity within the scope of a Cooperative Agreement, a Cosponsorship Agreement is required if SBA and the grant recipient(s) will cosponsor an activity outside of the scope of the Cooperative Agreement. The terms and conditions of the Cosponsorship Agreement govern the activity.

Chapter 7: Cosponsorship Approval Process

1. When is cosponsorship approval required?

A cosponsorship must be approved before the Agency conducts an activity under the statutory cosponsorship authority. The process for cosponsorship approval is different depending on whether the cosponsorship is a low-profile cosponsorship or a higher-profile cosponsorship.

2. What is the difference between a low-profile cosponsorship and a higher-profile cosponsorship?

A low-profile cosponsorship is one that

- a. Does not exceed \$10,000 in direct costs and
- b. Uses an existing OSA template for the Cosponsorship Agreement and
- c. Does not include a Cosponsor that is a:
 1. Sitting member of Congress;
 2. Candidate for political office;
 3. A Public Official;
 4. SBA contractor (an entity which has entered into a contract, or which has proposed to enter into a contract, with SBA to provide SBA with goods or services) or
 5. Fortune 500 company.

Examples of a low-profile cosponsorship include, but are not limited to, (1) a dinner, cosponsored by the Chamber of Commerce and an SBA District Office, valued at \$10,000 or less, to honor the small business innovator of the year; (2) a training activity, costing \$10,000 or less, on the 8(a) program cosponsored by a graduated 8(a) concern and an SBA District Office; and (3) a for-profit computer retailer and an SBA office cosponsored training, costing \$10,000 or less, on automated accounting systems.

A higher-profile cosponsorship is any cosponsorship other than a low-profile cosponsorship.

3. What is the process for obtaining approval of a low-profile cosponsorship?

1. The SBA Originating Office (the district office or program office) and the Cosponsors develop the idea and recruit additional Cosponsors, if necessary.
2. Using a template provided by the Office of Strategic Alliances (OSA), the Originating Office drafts the Cosponsorship Agreement and prepares a cosponsorship budget. If the RPO elects not to use a template agreement, or elects to vary the template agreement in any way (except by filling in the blanks), the

cosponsorship approval must be considered under the procedures for higher-profile cosponsorships set forth in paragraph 4 of this chapter.

3. The Responsible Program Official reviews the Cosponsorship Agreement (including budget) and executes the SBA Form 1615 to acknowledge his/her approval of the Cosponsored Activity.
 4. The Responsible Program Official submits the Cosponsorship Agreement (including budget) and SBA Form 1615 to the Senior Outreach Manager for approval. SBA will, from time to time, establish a Senior Outreach Manager, who will be a career SES District Director or Deputy Regional Administrator, for each District through an SBA Procedural Notice. For Regional Administrators, the Senior Outreach Manager shall be the Associate Administrator for Field Operations, or, if designated by the AA/OFO, his or her Deputy. For headquarters, the Senior Outreach Manager shall be the Director of the Office of Strategic Alliances. The Senior Outreach Manager determines whether the cosponsorship fulfills a proper purpose, reviews the cosponsorship for its reputational impact in accordance with section 7, and sends the approval to the Originating Office.
 5. The Originating Office submits the Cosponsorship Agreement (including budget) and SBA Form 1615 to OSA.
 6. OSA vets all Cosponsors. If none of the Cosponsors is a prohibited source, OSA submits the Vetting results, the Cosponsorship Agreement (including budget), and the SBA Form 1615 to OGC.
 7. The General Counsel or designee performs a conflict of interest determination and signs SBA Form 1615 acknowledging his/her approval of the activity.
 8. OSA will assign a cosponsorship authorization number and seek signature approval of the Cosponsored Activity from the Associate Administrator, Office of Communications and Public Liaison (AA OCPL) or other Administrator designee. OSA returns the Cosponsorship Agreement to the Originating Office.
 9. The Originating Office obtains the signatures of all Cosponsors on the Cosponsorship Agreement.
 10. The Originating Office conducts the activity and completes the post-event responsibilities in Chapter 9.
- 4. What is the process for obtaining approval of a higher-profile cosponsorship?**
1. The SBA Originating Office (the district office or program office) and the Cosponsors develop the idea and recruit additional Cosponsors, if necessary.

2. The RPO may elect to use a template agreement without variation except for filling in the blanks, or not. If the RPO elects not to use a template, the Cosponsorship Agreement he drafts must comply with all relevant laws and regulations and with this SOP, and in particular with paragraph 5 of this chapter. An RPO who does not use a template agreement should nonetheless model the Cosponsorship Agreement on an applicable template agreement, and should work with OGC, or the district counsel assigned to his office, to draft the Cosponsorship Agreement.
3. The Responsible Program Official reviews the Cosponsorship Agreement (including budget) and executes the SBA Form 1615 to acknowledge his/her approval of the activity.
4. The Responsible Program Official submits the Cosponsorship Agreement (including budget) and SBA Form 1615 to the Senior Outreach Manager for approval. The Senior Outreach Manager determines whether the cosponsorship fulfills a proper purpose, reviews the cosponsorship for its reputational impact in accordance with section 7, and sends the approval to the Originating Office.
5. The Originating Office submits the Cosponsorship Agreement (including budget) and SBA Form 1615 to OSA.
6. OSA vets all Cosponsors. If none of the Cosponsors is a prohibited source, OSA submits the Vetting results, the Cosponsorship Agreement (including budget) and SBA Form 1615 to OGC.
7. The General Counsel or designee performs a conflict of interest determination and, where the cosponsorship agreement is not a template agreement, a legal sufficiency review to assure that the agreement is in compliance with all applicable statutes and regulations, as well as this SOP and in particular paragraph 5 of this Chapter. OGC indicates approval of the cosponsorship on SBA Form 1615.
8. OSA conducts a final review of the cosponsorship to make sure it is in the best interest of the Agency. The Director of OSA provides approval of the cosponsorship on Form 1615.
9. OSA will assign a cosponsorship authorization number and seek signature approval of the Cosponsored Activity from the AA OCPL or other Administrator designee.
10. If the cosponsorship exceeds \$300,000 or is with a Public Official, the Oversight Committee reviews the cosponsorship and provides approval of the cosponsorship.

11. The Originating Office obtains the signatures of all Cosponsors on the Cosponsorship Agreement.
12. The Originating Office conducts the activity and completes the post-event responsibilities in Chapter 9.

5. What information must the Originating Office include in the Cosponsorship Agreement?

All Cosponsorship Agreements must be in writing. A template must be used with no variation except filling in the blanks in order to have the cosponsorship approved under low-profile procedures. Any deviation from an approved template will mean that the cosponsorship will be processed through higher-profile procedures. RPOs who elect not to use a template should consult with the district counsel assigned to their offices (headquarters RPOs should consult with OGC) in drafting their Cosponsorship Agreement, and should use a template agreement as a model.

All Cosponsorship Agreements—whether for low-profile cosponsorships or higher-profile cosponsorships—must contain the following provisions:

1. Basic information about the Cosponsored Activity including name, date(s), location(s), estimated number of attendees and estimated direct cost of the activity;
2. Term of the agreement;
3. Narrative description of the Cosponsored Activity, which may be a draft agenda;
4. Listing of SBA's and each Cosponsor's rights, duties and responsibilities with regard to the Cosponsored Activity;
5. Proposed budget that complies with Chapter 7, section 5, providing a reasonable estimation of all anticipated direct costs and the type and source of financial contribution(s), including but not limited to cash, in-kind contributions, and Participant Fees;
6. Statement that each Cosponsor agrees that it will not make a profit on the Cosponsored Activity;
7. Statement that Participant Fees, if charged, will not exceed the minimal amount needed to cover the anticipated direct costs of the Cosponsored Activity as outlined in the budget;
8. Statement that excess funds will be processed in accordance with this SOP;
9. Statement that each Cosponsor agrees to abide by the provisions of the Cosponsorship Agreement and the requirements of 13 C.F.R. Part 106 and this SOP;
10. Required disclaimer language (see chapter 10, question 2) relating to non-endorsement, and nondiscriminatory actions, and other disclaimers (i.e., arrangements for disabled individuals) as necessary given the scope of the Cosponsored Activity;
11. Cosponsorship authorization number;
12. A termination and amendment provision;
13. Statement granting SBA permission to use copyrighted materials, if applicable;

14. Statement on marketing restrictions, including use of the SBA logo; and
15. Statement prohibiting political speech if a Public Official or Candidate for Public Office cosponsors or participates in a Cosponsored Activity.

6. What information must the Originating Office include in the cosponsorship budget?

See the next chapter for more detail on authorized costs and authorized sources of income for cosponsorships. Expenses on the cosponsorship budget should include direct, third-party expenses incurred by the Cosponsors for the activity. Income reflected on the cosponsorship budget show how the Cosponsors will cover the expenses. Do not include self-performed services of the Cosponsors; property provided by a Cosponsor out of existing stock; or facilities provided by the Cosponsors. The provision of those items may instead be reflected as responsibilities or duties of the Cosponsor.

7. What does the Senior Outreach Manager consider in reviewing cosponsorships submitted from a District Office?

The Senior Outreach Manager shall consider a cosponsorship in terms of its potential effect on the reputation of the Agency and on its consistency with the Agency's outreach efforts. The Senior Outreach Manager will reject the proposed cosponsorship if the proposed purpose of the cosponsorship does not further the Agency's mission, or is otherwise prohibited. If the Senior Outreach Manager rejects the proposed solicitation, he or she will return that rejection to the Originating Office with an explanation (including, if appropriate, an explanation of how the cosponsorship could be changed to be acceptable), and the cosponsorship will not take place. If the Senior Outreach Manager accepts the proposed solicitation, the Senior Outreach Manager will fill out Part II of Form 1615. In making this determination, the Senior Outreach Manager may consult any SBA Area Counsel for advice.

8. How does OSA vet Cosponsors?

OSA vets all Cosponsors, including non-profit entities. Vetting entails gathering information about each potential Cosponsor in order for the General Counsel or designee to make a conflict of interest determination. An Originating Office initiates the Vetting process by sending the draft Cosponsorship Agreement and signed SBA Form 1615 to OSA. Using electronic databases where possible, OSA will determine whether the cosponsorship would be conducted with an entity whose existing relationship with SBA raises concerns about a conflict of interest. Unless OSA determines otherwise on a case-by-case basis, OSA may use vetting results pertaining to the same entity for multiple cosponsorship determinations, for up to six months from the date of initial vetting.

For non-profit entities, OSA identifies whether the Cosponsor is a Certified Development Company (CDC) or in litigation with SBA, making the Cosponsor a prohibited source. OSA also determines whether the Cosponsor is a microloan intermediary, receives a grant from SBA, is an SBA contractor, and whether the entity has conducted prior cosponsorships or donated Gifts to SBA. The latter information does not make the Cosponsor a prohibited source but may raise a possible conflict of interest depending on

the circumstances.

For for-profit entities, OSA identifies whether the concern is licensed or certified by the agency (8(a), HUBZone, COC, SBIC, or SBLC) unless the concern is a Fortune 500 company, subject to an SBA enforcement action, has applied for a size determination, or in litigation with SBA. This will make the Cosponsor a prohibited source. OSA also determines if the Cosponsor is an SBA contractor, receives a grant from SBA, receives financial assistance from SBA other than a disaster loan, or has conducted prior cosponsorships or donated Gifts to SBA. The latter information does not make the Cosponsor a prohibited source but may raise a possible conflict of interest depending on the circumstances.

9. How does OGC perform a conflict of interest determination?

The General Counsel or designee evaluates the results of the Vetting and other factors as necessary in order to determine that each potential Cosponsor does not exhibit an actual or apparent conflict of interest with the Agency. The General Counsel or designee must sign SBA Form 1615 to demonstrate a conflict of interest determination was performed.

For low-profile cosponsorships, OGC may review the Cosponsorship Agreement to ensure that it follows the Cosponsorship Agreement template. For higher-profile cosponsorships, OGC will review the Cosponsorship Agreement for legal sufficiency.

10. What additional factors does SBA consider when reviewing a cosponsorship with a government official or a member of his/her staff?

Generally speaking, Federal, state or local government officials may cosponsor SBA activities. If a Federal, state or local government official is also a candidate for public office, the RPO may, using appropriate discretion, advise the official in writing, in advance, that his remarks shall not be designed to facilitate, or be directed toward, the success or failure of a political party, candidate for public office, or a political group.

However, Federal, state or local government officials who are candidates for public office are not eligible to cosponsor, speak at, or be a part of the official program of an SBA Cosponsored Activity, and no member of his or her official office or campaign staff is eligible to speak at or be a part of the official program, if that activity will take place within thirty (30) calendar days before a primary or general election in which the candidate is on the official ballot (unless the upcoming election is a primary and the candidate is the only candidate for a particular office on the primary ballot), without the written approval of SBA's Chief of Staff (or designee) through the Designated Agency Ethics Official (DAEO).

Requests for approval shall be submitted in writing through the DAEO and:

- (1) Identify the Cosponsors and provide a short description of the activity;
- (2) Identify when and where the activity is going to take place and whether it is in the candidate's home district or state;

- (3) Identify the kind of election and how many calendar days prior to the election the activity will take place;
- (4) Identify (by name and title) the Candidate for Public Office (or the member of his/her staff, if applicable) that will participate in the activity and the public office for which he/she is a candidate;
- (5) State what role the candidate or staff member will have at the activity; and
- (6) Explain whether the candidate has an official or historical connection or involvement with the issue to be addressed at the activity, with the host organization or with the activity itself (ex: Senator X is on the Senate Small Business Committee).

11. How does the Originating Office learn if the Cosponsorship Agreement was approved?

For higher-profile cosponsorships, OSA will conduct a final review of the cosponsorship to make sure it is in the best interest of the Agency. The Director of OSA must approve higher-profile cosponsorships before submitting the Cosponsorship Agreement for approval by the AA OCPL or other Administrator designee.

The AA OCPL or other Administrator designee must sign the cosponsorship on behalf of the Agency. For both low-profile and higher-profile cosponsorships, OSA will notify the Originating Office by email of the Agency's decision and provide a copy of the approved Cosponsorship Agreement.

12. Who is responsible for obtaining the signature of the Cosponsors?

The Responsible Program Official must obtain each Cosponsor's signature and return the signed agreement to OSA. The Cosponsors may sign the agreement in counterparts provided the agreement includes language deeming each executed version to be an original.

The Responsible Program Official must notify OSA if the Cosponsors refuse to sign and therefore the Cosponsored Activity will not go forward.

13. What is the Oversight Committee?

- a. Purpose. The Oversight Committee refers to an internal SBA committee with authority to approve Cosponsored Activities meeting the criteria outlined below.
- b. Members. The Oversight Committee will consist of the Associate Administrator for Field Operations, Associate Administrator for Entrepreneurial Development and one individual named by the Administrator. This individual must be an Associate or Assistant Administrator, or Chief of Staff or Deputy Chief of Staff, but should not be the AA/OCPL. Voting responsibility of individual members is non-delegable.

- c. Voting. A simple majority of the members of the Oversight Committee must vote to approve the following:
 - 1. Cosponsorship or series of cosponsorships with the same entity(s) in a twelve month period with a total projected budget of more than \$300,000, and
 - 2. Cosponsorships with Public Officials.
- d. Approval. A Cosponsorship Agreement meeting the above criteria may not be signed by SBA until the Oversight Committee has provided written approval of the activity. Decisions of the Oversight Committee are considered final but may be appealed to the Administrator.
- e. Appeal. To appeal a decision by the Oversight Committee, the Responsible Program Official must submit a written appeal to OSA, within three business days of receipt of the Oversight Committee's decision. The appeal must contain the Responsible Program Official's specific objections to the Oversight Committee's decision and provide explicit reasons why the activity should be approved. OSA will forward the appeal, cosponsorship file and documentation containing the Oversight Committee's vote to the Administrator within three business days of receipt of the appeal.
- f. At his/her discretion, the Director of OSA may ask the Oversight Committee for approval of any Cosponsorship Agreement.

14. How do I request emergency expedited review of a Cosponsorship Agreement?

Unless the cosponsorship is one required to be reviewed by the Oversight Committee, the Originating Office may seek permission from the Chief of Staff to activate the "Cosponsorship Red Team." The Red Team consists of the AA OCPL, the Director of OSA, an Outreach attorney from OGC, the Responsible Program Official from the Originating Office, and the AA OFO if the Originating Office is a District Office. At the direction of the Chief of the Staff, and after OSA has vetted the Cosponsors, the Red Team will meet to review and consider approval of the Cosponsorship Agreement.

15. How do I modify or amend the Cosponsorship Agreement?

- a. Non-substantive Changes. The Responsible Program Official may authorize, in writing, non-substantive amendments to an approved and executed Cosponsorship Agreement. Non-substantive amendments include date and location changes, typographical corrections, and changes to contact information. A copy of any non-substantive changes or amendments must be submitted to OSA during the final cosponsorship reporting period. Changes in estimated budget dollar amounts are not considered a modification to the agreement unless they shift the cosponsorship into a separate approval category (i.e., from low profile to higher-profile, or from higher-profile to requiring approval by the oversight committee).

A final budget will be reported with actual costs through the final cosponsorship report.

- b. Substantive Changes. All other changes must be approved and signed by the AA OCPL or other Administrator designee. The Originating Office may send its request for approval of an amendment to OSA. Types of amendments which must be approved by the AA OCPL or other Administrator designee include, but are not limited to:
- (1) addition or deletion of a Cosponsor or a major change in any of a Cosponsor's duties and responsibilities,
 - (2) significant change in nature or scope of activity,
 - (3) change in types of expenses established in the budget,
 - (4) change in source of income (e.g., you originally did not intend to charge Participant Fees but after approval of the agreement decide to charge a fee), or
 - (5) change in term of the agreement.

16. Who is responsible for the Cosponsored Activity before, during, and after its execution?

- a. Pre-Activity. SBA is responsible for solicitation of all Cosponsors for a Cosponsored Activity, negotiating Cosponsorship Agreement terms and conditions, and securing the appropriate signatures from Cosponsors. SBA may not delegate this responsibility to a Cosponsor.
- b. During Activity. Upon approval and signature of the Cosponsorship Agreement, the Responsible Program Official holds primary responsibility for ensuring the activity is conducted according to the terms and conditions established in the Cosponsorship Agreement and the applicable laws, regulations and Agency policy. Responsibilities are assigned as follows:
- (1) Responsible Program Official. Upon receipt of an approved and signed Cosponsorship Agreement from OSA, the Responsible Program Official shall implement the terms of the Cosponsorship Agreement and follow all record keeping requirements as outlined in this SOP. The Responsible Program Official must make the necessary arrangements to ensure the activity is conducted in the manner agreed to in the Cosponsorship Agreement, that all Cosponsorship Funds are collected and expended appropriately, and that each Cosponsor is given Appropriate Recognition. The burden is on the Responsible Program Official to ensure that the Cosponsored Activity is conducted in compliance with the applicable law and Agency policy and to obtain legal advice from the General Counsel or designee if necessary.

- (2) OSA. OSA is available for consultation should the Responsible Program Official need advice or guidance while conducting the Cosponsored Activity. The Director of OSA has a general duty to monitor all cosponsorships and address problems and concerns of which the Director is made aware. OSA is responsible for maintaining the official cosponsorship file.
 - (3) General Counsel. The General Counsel or designee will be available for consultation should the Responsible Program Official need legal advice or guidance while conducting the Cosponsored Activity.
- c. Post-Activity. All Cosponsored Activities are subject to review during Field Accountability Reviews (FAR). The Responsible Program Official must be prepared to show the FAR team copies of its cosponsorship files.

Chapter 8: Cosponsorship Funds

1. How is a Cosponsored Activity funded?

Cosponsored Activities may be funded through any of the following sources, on its own or in combination with other sources on the list:

a. SBA Sources

1. Existing stock or services. SBA may contribute existing stock or services to a cosponsorship, such as publications or supplies. This situation primarily arises with the contribution of printed materials for the cosponsorship. These contributions are not included in the cosponsorship budget, but may be reflected as one of SBA's responsibilities in the Cosponsorship Agreement.
2. Business Assistance Trust (BAT) Funds. To the extent that BAT funds are available for this purpose, SBA may use BAT funds to support a cosponsorship. The use of BAT funds is covered in SOP 90 53.
3. No Cash Contributions of Appropriated Funds. SBA is not permitted to contribute appropriated funds in cash directly to the cosponsorship.
4. Contributions of Products or Services Procured with Appropriated Funds. After following the appropriate procurement process, SBA may contribute products or services to a Cosponsored Activity as an in-kind contribution. The procurement process is separate from the Cosponsorship Agreement and is not subject to influence from the Cosponsorship Agreement. Consult the Denver Finance Center, Acquisitions Division before including SBA in-kind contributions over the micropurchase threshold in the cosponsorship budget.
5. Gifts to SBA. SBA may solicit, accept and use cash or in-kind Gifts from non-cosponsoring entities to support Cosponsored Activities. SBA must follow the Gift solicitation and acceptance procedures outlined in SOP 90 53, Gifts to the Agency. Cash Gifts must be placed in SBA's Business Assistance Trust Fund. Only SBA, as the recipient of the donation, may acknowledge its Donor. Donations to SBA must not be construed as Gifts to the cosponsorship. Please see SOP 90 53 for a discussion of Agency Gifts and for guidance on recognizing Donors.

- b. Participant Fees. A Cosponsor may charge participants a minimal fee necessary to cover the direct costs of providing the Cosponsored Activity. Participant Fees must be carefully calculated to offset the estimated direct costs of the Cosponsored Activity. For accounting purposes, Participant Fees must be used to pay cosponsorship expenses before other sources of income are utilized. The Fiscal Agent is responsible for collecting, managing and expending Participant Fees.

c. Cosponsor Sources

1. Cash directly from the Cosponsor. Cosponsors may contribute cash to support the Cosponsored Activity by writing a check or wiring funds to the Fiscal Agent. The Fiscal Agent is responsible for collecting, managing and expending each Cosponsor's cash contribution.
2. Cash from the Cosponsor collected through donations to the Cosponsor. The Cosponsor may solicit and accept donations on its own behalf for the purpose of meeting its share of the costs of the Cosponsored Activity. SBA employees may not assist the Cosponsor with such fundraising activity. SBA's seal or logo must not be used to secure such donations. SBA's name may be used only to state in a factual manner SBA's involvement in the activity. Only the Cosponsor, as the recipient of the donation, may acknowledge its Donor. Donations to the Cosponsor must not be construed as Gifts to SBA or gifts to the cosponsorship. Because a donation to a Cosponsor is not a Gift to SBA, SOP 90 53 does not apply to a donation collected by a Cosponsor for a Cosponsored Activity.

Cosponsors must be informed that when soliciting donations to meet its share of the costs of the cosponsorship, they must make it clear that they, not SBA, are asking for the donation. Cosponsors must not imply that SBA endorses, directly or indirectly, their fundraising activities.

A Cosponsor may recognize its Donor(s) verbally or in writing with something like the following, "Cosponsor would like to thank Acme Corp for its generous donation which was used to support this event." Written acknowledgements or Donor logos should be placed as far away, spatially, from the SBA logo as possible.

3. Goods and In-kind Services Purchased with Cash. If a Cosponsor purchases goods and services from a third party to be used in the Cosponsored Activity, it is treated as a contribution to the Cosponsored Activity for budgeting purposes and also for purposes of determining whether the Cosponsored Activity has a budget of \$10,000 or more. For example, if the Cosponsor is paying \$1,000 for a dinner for participants in a Cosponsored Activity, it does not matter for budgetary purposes whether it gives the money to the Fiscal Agent to make the purchase or the Cosponsor makes the purchase itself. Contributions to the cosponsorship may include alcohol, but otherwise cannot be of a kind or nature prohibited under SOP 90 53.
4. Goods already belonging to the Cosponsor and self-performed Services. The contribution by the Cosponsor of the use of goods it already owns or self-performed services is not a contribution of cash. Instead, it is a reduction of expenses. If the Cosponsor contributes a venue, or the use of a bank of computers, this is not reflected in the budget as revenue and does not count toward the \$10,000 threshold. The work which salaried employees of the Cosponsor render on behalf of the Cosponsored Activity is not considered a donation by the Cosponsor. Except for alcohol, contributions to the cosponsorship cannot be of a kind or nature prohibited under SOP 90 53.

- d. No direct gifts to the cosponsorship. Outside entities that are not Cosponsors cannot provide gifts directly to a Cosponsored Activity. Instead, non-Cosponsors may support a non-SBA Cosponsor through donations to the Cosponsor (see c.2. above) or may donate a Gift to SBA in accordance with a.5 above and SOP 90 53.

2. **How can Cosponsorship Funds be used?**

Cosponsorship Funds may be used for nearly any expense so long as that type of expense is approved as part of the proposed cosponsorship budget, is a direct cost of the activity, or is necessary and integral to the activity. There are some restrictions which include, but are not limited to the following:

- a. Cosponsorship Funds must not be used to pay a Cosponsor's general operating expenses, overhead (including salaries) or other indirect costs of the activity, or reimburse a Cosponsor for services or facilities that it provides for the Cosponsored Activity.
- b. Cosponsorship Funds must not be used to pay a Cosponsor's or SBA's travel expenses (though may be used toward a third party's travel); and
- c. Cosponsored Funds cannot be used to purchase any item prohibited by the SOP 90 53 from being purchased with Gift funds. However, alcohol may be paid for through direct purchase by a cosponsor.

3. **Does every cosponsorship require a budget?**

Cosponsorships that will incur expenses or that will collect Participant Fees require a budget. If a cosponsorship will not incur any expenses, a budget is not required, and the Cosponsorship Agreement must state that no expenses will be incurred for the cosponsorship.

4. **Can the cosponsorship budget allow for cosponsorship profit, excess revenue, or a funds shortfall?**

A cosponsorship budget must demonstrate that the Cosponsors will not make a profit or accumulate excess funds from the Cosponsored Activity. However, the budget may anticipate more revenue than expenses if all cosponsors agree in the cosponsorship agreement that any excess revenue will be considered a gift to the Agency. In such an instance, for purposes of the review required by SOP 90 53, such excess revenue will be treated as an unsolicited gift.

The cosponsorship budget may not demonstrate a shortfall of funds. Anticipated revenues must at least equal anticipated expenses.

5. **How do I prepare a cosponsorship budget?**

The budget should reflect your best estimate of the direct costs incurred by the Cosponsored Activity (see discussion of direct costs below) and revenue. It should reflect two things, (1) what the direct expenses are and (2) how those expenses will be met by cash or in-kind contributions or collection of Participant Fees. Every direct expense must have an accompanying source of revenue. All Participant Fees must be strictly accounted for.

Be as explicit as possible when describing expenses. Avoid non-descriptive terms such as “decorations,” “marketing” and “miscellaneous,” especially if these expense items constitute a large portion of the overall budget.

The budget may be in any format so long as it is clear what the expenses are and who is paying or providing in-kind support.

The items in the budget should correlate to the event description and each Cosponsor’s roles and responsibilities.

6. When is a cosponsorship required to have a Fiscal Agent and what are the Fiscal Agent’s responsibilities?

If any cash is to be collected from Cosponsors or participants to support the Cosponsored Activity, one of the Cosponsors must be designated in the Cosponsorship Agreement as the Fiscal Agent for that Cosponsored Activity. As Fiscal Agent, the Cosponsor must set up a separate accounting mechanism to manage the Cosponsorship Funds. The Fiscal Agent must take whatever internal accounting measures are necessary to ensure it does not commingle its own funds with the Cosponsorship Funds. The Fiscal Agent shall receive all cash from the Cosponsors or participants and pay the cosponsorship expenses accordingly. Within ninety days of the last day of the Cosponsored Activity, the Fiscal Agent must provide SBA with a full accounting of the cash received and expenses paid.

7. What costs should be reflected on a cosponsorship budget and what should be excluded?

Cosponsorship budgets should reflect the estimated direct costs of the Cosponsored Activity. Direct costs refer to only those expenses which can be specifically attributed to the delivery of a Cosponsored Activity (meaning but for this activity, you would not incur those costs). Direct costs are almost always paid to a third party.

Direct costs may include, but are not limited to the following:

- (1) Room rental (but not the contribution of the Cosponsor’s facility);
- (2) Room set-up (tables, drapes/linens, carpet, wiring, etc.);
- (3) Refreshments;
- (4) A/V equipment rental;
- (5) Cosponsored web site creation/maintenance if performed by a vendor;
- (6) Hiring of contractors to perform logistics or event planning services;
- (7) Speaker fees for speakers not employed by SBA or a Cosponsor;
- (8) Conference signage;
- (9) Marketing/advertising expenses;
- (10) Photocopies of workbooks or other handouts to be used during the Cosponsored Activity;
- (11) Event security;
- (12) Photographer/videographer not employed by a Cosponsor;
- (13) Travel costs incurred by parties other than the Cosponsor(s) or SBA; and
- (14) Costs related to compliance with the Americans with Disabilities Act (e.g., hiring of a sign language interpreter).

Indirect costs or otherwise excluded expenses include:

- (1) Use of a Cosponsor's facility;
- (2) Cosponsor employee salaries and benefits;
- (3) Copying of non-cosponsored materials;
- (4) General office supplies not utilized to support Cosponsored Activity;
- (5) Cosponsor or SBA's travel; and
- (6) Non-approved reimbursements to the Cosponsor.

Note that travel for SBA may be provided through Gifts of Travel if in accordance with the Federal Travel Regulation and SOP 20 11 (Travel).

8. How do Cosponsorship Funds apply in a cosponsorship in which Participant Fees are charged?

Participant Fees are always liquidated prior to other sources of funding for a cosponsorship. Therefore, unless otherwise specified in the Cosponsorship Agreement, a Cosponsor's contribution is meant to fill the gap between the event's cost and the revenues it obtains from Participant Fees, if any. If the Cosponsorship Agreement provides, for example, that the anticipated cost of the event is \$10,000 and Participant Fees are expected to bring in \$5,000, a Cosponsor may agree to donate \$5,000 to the event. If the event ends up costing \$8,000, and Participant Fees end up equaling \$6,000, the Cosponsor need contribute only \$2,000.

9. What do I do with excess funds that remain after a Cosponsored Activity?

See the chapter on post-event responsibilities for procedures on disbursing excess funds.

Chapter 9: Post-Cosponsorship Responsibilities

1. When is a cosponsorship complete?

If a cosponsorship is for a single event, then the cosponsorship is over when the event is complete and the Cosponsorship Agreement has expired. Some cosponsored activities may include more than one event (for example, a series of classes) or may encompass a long-term project. Those cosponsorships are complete when the last event has taken place and the Cosponsorship Agreement has expired. At the RPO's request, OSA may set up a notification schedule to send the Responsible Program Official or other SBA employees reminders when the Cosponsorship Agreement is about to expire. The Responsible Program Official must be aware of when a cosponsorship is completed.

2. What forms must I complete at the conclusion of a cosponsorship?

At the conclusion of any cosponsorship, the Responsible Program Official must complete the following forms:

- a. SBA Form 2299, Cosponsorship Final Report. This form must be filed with OSA within 90 days after the conclusion of the Cosponsored Activity. OSA will send the Responsible Program Official a reminder 60 days after the conclusion of the Cosponsored Activity.
- b. SBA Form 20, Outreach Participant Questionnaire. This form should be distributed to participants at the conclusion of the Cosponsored Activity, provided that there is staff available and that it is not burdensome for the District/Program Office. Results should be collected and submitted to OSA. OSA will keep the results with the cosponsorship file.

3. How should I disburse excess funds after a Cosponsored Activity?

Excess funds are the contributed cash or collected Participant Fees that are left over after expenses are subtracted from revenues. The Responsible Program Official must disburse excess funds within 120 days of the expiration of the Cosponsorship Agreement, unless the AA/OCPL grants an extension of time.

The requirements for disbursement of excess funds are based on the origin of the funds.

- a. If the excess funds originated entirely from Participant Fees. First, ensure that, in accordance with 13 C.F.R. § 106.203(f), Participant Fees were liquidated prior to other sources of funding, including in-kind contributions from Cosponsors. In-kind contributions do not include the use of facilities or services that the Cosponsor already has. Then, distribute excess funds on a pro rata basis to participants.

If participants are vetted and a Gift solicitation is approved under SOP 90 53, you also may ask the approved participants if they want to donate their share of excess funds to SBA.

Example 1: The event costs \$10,000, and SBA has charged each of 120 participants \$100 apiece. There are no Cosponsor contributions. Revenues in that instance would equal \$12,000 and expenses would equal \$10,000, giving us \$2,000 in excess funds. That \$2,000 excess would be divided by the 100 participants, and each participant would get \$20 back.

Example 2: If the Cosponsor paid \$2,000 for participant meals in an event which had an overall cost (including the meals) of \$5,000, and participant revenues—anticipated to be \$3,000—were in fact \$4,000, the excess funds of \$1,000 would be considered to have originated with the Cosponsor, not the participants. These excess funds can be processed under the procedures in the next subsection. No funds are distributed to participants.

Example 3: If the Cosponsor donates use of its auditorium (for which it usually charges \$1,000 an afternoon) to a Cosponsored Activity which otherwise costs \$5,000 with anticipated participant revenues of \$5,000 and the actual participant revenues are \$6,000, the Cosponsor is not permitted to retroactively charge the Cosponsored Activity \$1,000. The excess funds of \$1,000 should be distributed on a pro rata basis to participants.

- b. If the excess funds originated entirely from cash contributed by Cosponsors. Unless specified otherwise in the Cosponsorship Agreement, each Cosponsor has the following options with respect to its pro rata share of the excess funds:
1. Donate the excess funds to SBA as an unsolicited Gift under SOP 90 53. The Cosponsor may direct within the limits of the SOP how the money is to be spent.
 2. Where there will be a related future SBA Cosponsored Activity in which the Cosponsor will be a Cosponsor and the Fiscal Agent will be the same (including a recurring event, such as National Small Business Week), the Cosponsor may request SBA to direct its pro rata share of the surplus to the Fiscal Agent, provided that the Fiscal Agent agrees to make those funds available to that related future Cosponsored Activity.
 3. Request a refund.

The Responsible Program Official should contact each Cosponsor that contributed cash to inform the Cosponsor of its options. The communication to the Cosponsor should specify which of the three options SBA will process the Cosponsor's share under in the event the Cosponsor does not respond.

Example 4: Original budget of \$10,000. Cosponsor A contributes \$6,000 cash; Cosponsor B contributes \$4,000 cash. No Participant Fee. Actual expenses are \$9,000. Cosponsor A's contribution is reduced by \$600; Cosponsor B's by \$400. The Cosponsors can choose to receive a refund of their contribution, make a Gift to SBA, or request SBA to direct its pro rata share of the surplus to the Fiscal Agent, if the Fiscal Agent agrees to make those funds available to that related future Cosponsored Activity.

- c. If the excess funds are a mix of Participant Fees and cash contributed by Cosponsors. First, process the excess funds under subsection (b) above, with the

maximum possible amount being considered as excess funds originating from the Cosponsors. In addition to the three choices above, the Cosponsors can also choose to donate back to the Cosponsored Activity in order to increase the amount available for participant refunds.

After the Cosponsor contributions are settled, process the remaining excess funds under subsection (a) as originating from Participant Fees.

Example 5: SBA and the Cosponsors anticipate that an event will cost \$10,000 and that Participant Fees will bring in \$5,000. The budget is balanced with a line item that says “contributed by cosponsor: \$5,000.” If Participant Fees turn out to be \$6,000, the Cosponsor’s obligation is reduced to \$4,000. If the Cosponsor already has paid its \$5,000 contribution or already provided \$5,000 in in-kind contributions, the excess funds are processed under subsection (b). No funds are returned to the participants, unless the Cosponsor chooses to donate its share of excess funds back to the Cosponsored Activity.

Example 6: Same facts as above, but expenses turn out to be \$9,000 and revenues are \$5,000. The Cosponsor’s contribution to the Cosponsored Activity is reduced to \$4,000.

Example 7: Cosponsor A has given \$3,000 and Cosponsor B has given \$2,000 to a \$10,000 Cosponsored Activity for which we anticipated Participant Fee revenues to be \$5,000. Participant fee revenues were actually \$6,000. Cosponsor A would have its obligation reduced by \$600 and Cosponsor B would have its obligation reduced by \$400. If either Cosponsor has already paid its contribution (or provided its in-kind contribution), its share of the excess funds are processed under subsection (b).

Example 8: Original budget of \$10,000, but the Cosponsor provides the \$3,000 venue at no cost, thus reducing the budget to \$7,000. We anticipate \$5,000 as revenue from 50 participants each paying \$100. The Cosponsor contributes a dinner for all the participants, such dinner costing \$2,000. We get 60 participants and thus earn \$1,000 more from Participant Fees than we anticipated. The extra \$1,000 partially reimburses the Cosponsor’s cost of the dinner.

Chapter 10: Cosponsorship Material and Marketing and Promotion of Cosponsored Activities

1. Who approves Cosponsored Materials?

The Responsible Program Official must approve, in advance, any printed or electronically generated Cosponsored Material used to publicize or conduct the Cosponsored Activity to ensure compliance with this SOP and appropriate use of the SBA name and logo. The Responsible Program Official should consult with the Office of Marketing and Customer Service to ensure conformance to SBA's graphic and writing practices and standards.

All Web-based materials created for the public as part of a Cosponsored Activity may require clearance pursuant to SOP 90 56, SBA Web Management. SBA offices considering co-sponsorship of new Web pages or Web sites should confer with OCIO regarding use of bandwidth prior to making arrangements and commitments. OCPL will have final review of all content of co-sponsorship pages/sites prior to launch.

2. What disclaimers must be used with Cosponsorship Material?

Except where doing so is impractical due to space constraints, any print or electronically generated Cosponsorship Material must contain the disclaimer set forth in subparagraph a, below. Podcasts or other audio tools must incorporate the required disclaimer language as an audio statement. Video or other digital mediums must incorporate the required disclaimer language as readable text on the video screen or an audio statement.

- a. Disclaimer Language: Except where doing so is impractical due to space constraints, all Cosponsorship Material must contain the following disclaimer:

“SBA's participation in this cosponsored activity is not an endorsement of the views, opinions, products or services of any cosponsor or other person or entity.”

- b. Disability Accommodation Statement: Cosponsorship Material publicizing an activity with personal attendance must contain the following statement: “Reasonable accommodations for persons with disabilities will be made if requested at least two weeks in advance. Contact (insert name and phone number).”

- c. Web-based Activity Disclaimer: Web sites not hosted on the www.sba.gov domain utilized as part of a Cosponsored Activity must contain the following statement:

“This Web site is provided as a public service. It is not an official U.S. government Web site, and it may contain links to non-U.S. government information. Inclusion of such links does not constitute or imply an endorsement by SBA. SBA is not responsible for the content, accuracy, relevance, timeliness or completeness of linked information.”

3. **When can SBA's logo be used in Cosponsorship Material?**

A Cosponsorship Agreement signed by all parties shall authorize the parties to use SBA's logo with each Cosponsor's logo on all Cosponsorship Materials, subject to the following requirements. The Cosponsor may use its name in connection with SBA's only in factual publicity for that specific Cosponsored Activity. Factual publicity includes dates, times, locations, purposes, agendas, fees and speakers involved with the activity. Such factual publicity must not imply that the involvement of SBA in the event is an endorsement of the general policies, activities, products or services of the Cosponsor.

4. **What materials may be used to market and promote a cosponsorship?**

- a. PR-mailings/email blasts: Press releases, mailings, online invitations, and e-mail blasts may be utilized to market a Cosponsored Activity. Any printed or electronic material to announce the cosponsorship or to be distributed at the Cosponsored Activity shall be approved in advance by the Responsible Program Official. Any printed or electronic material containing the names or logos of SBA, a Cosponsor or a Donor must include the appropriate disclaimers except where doing so is impractical due to space constraints. All cosponsorship mailings and email blasts must comply with the policies set forth in Chapter 8 of SOP 00 10 4, Mail Management Program; the Telephone Consumer Protection Act of 1991, 47 U.S.C. §227; and the CAN-SPAM Act, 15 U.S.C. §7701 *et seq.*
- b. Advertising: Cosponsored Activities may be advertised or promoted in the same manner as any other SBA-sponsored activity. Advertising must be factual; unless impractical, it must include the required disclaimers (see question 2); and it must be approved in advance in writing by the Responsible Program Official.
- c. Social Media: Social media may be used to market the Cosponsored Activity in accordance with guidance issued by the Office of Communication and Public Liaison. Unless impractical due to space constraints or other reasons, social media advertising must include the disclaimers discussed in section 2 of this Chapter.

5. **How can Cosponsorship Materials recognize the contributions of SBA and the Cosponsor(s)?**

SBA and all Cosponsors must receive Appropriate Recognition for their participation in the Cosponsored Activity. The recognition may be oral or in writing. The recognition must avoid the appearance that SBA endorses or promotes a Cosponsor or a Cosponsor's products or services.

For instance, a Cosponsored Activity may display a banner or banners depicting each Cosponsor's logo, as well as SBA's logo, so long as doing so does not constitute or imply an endorsement of the Cosponsor by SBA.

Take-home items may be distributed at the Cosponsored Activity. Restrictions apply to the content and distribution of the take-home items, depending on whether they are purchased by a Cosponsor or purchased using Cosponsorship Funds.

- a. Items Paid for Using Cosponsorship Funds. Cosponsored gift bags and take-home items of nominal value may be purchased with Cosponsorship Funds, distributed by SBA employees, and given to attendees of a Cosponsored Activity subject to the following:
 1. The cosponsored item must display the required disclaimer language (see above) as feasible for the item;
 2. The item must be of nominal value and have no resale value;
 3. The item must not be the actual product of one of the Cosponsors or identify a product or service of the Cosponsor.

- b. Promotional Items of a Cosponsor: Gift bags and other promotional items that use the name or logo of a Cosponsor may be given to attendees at a Cosponsored Activity if the item is paid for by a Cosponsor and provided by the Cosponsor directly to attendees, subject to the following:
 1. Appropriated funds must not be used to support the assembly or distribution of the promotional item;
 2. The item must not be distributed by SBA employees; and
 3. Promotional item should not be considered part of the Cosponsor's contribution to the Cosponsored Activity and should not be documented in the Cosponsorship Agreement.

Chapter 11: Role of SBA Employees in Cosponsorships

1. What is the Role of SBA Employees in a Cosponsored Activity?

To ensure that a Cosponsored Activity is successful, SBA employees may participate in the activity a variety of ways. Employees may attend planning meetings, market the activity, register attendees, staff an SBA booth, present information about SBA programs and services, present SBA awards, and otherwise help to plan and conduct the activity. Government ethics rules govern the conduct of an individual employee planning and participating in a Cosponsored Activity.

- a. SBA employees must not exhibit preferential treatment to any private individual or entity and must not promote the products or services of any Cosponsor during the course of the Cosponsored Activity.
- b. SBA employees must not solicit Cosponsors' promotional gift items (i.e., non-cosponsored material) to present to attendees and must not assist in the distribution or assembly of items provided by Cosponsors (see chapter 10). SBA employees must apply ethics gift acceptance rules (5 C.F.R. Part 2635) to determine if they may accept a Cosponsor's promotional gift item offered by Cosponsors at the event.
- c. SBA employees may distribute Cosponsored gift bags and take-home items of nominal value (see chapter 10) to attendees of a Cosponsored Activity.

2. Can SBA employees solicit potential Cosponsors or Donors?

SBA employees may actively solicit Eligible Entities for any Cosponsored Activity as long as the entity does not create a conflict of interest or appearance problem for SBA, or for the employee under applicable ethics rules. Likewise SBA may solicit cash or in-kind donations to SBA which may be used to support a Cosponsored Activity, subject to the provisions of SOP 90 53 and applicable ethics rules. SBA employees must not help a Cosponsor solicit donations for the Cosponsor (see chapter 8).

3. Can SBA employees participate in registration for an activity and collection of Participant Fees?

SBA employees may handle pre-activity or on-site registration for any Cosponsored Activity. If a Participant Fee is charged, SBA employees must not be responsible for collecting or handling Participant Fees. Instead, the Fiscal Agent or another cosponsor should collect and handle Participant Fees, if any and ensure that the fees are deposited into the Cosponsorship Fund.

4. Can SBA employees attend a Cosponsored Activity?

SBA employees may attend a Cosponsored Activity so long as he/she has permission to do so from his/her supervisor.

5. Can SBA employees partake of food at a Cosponsored Activity?

An SBA employee attending a Cosponsored Activity at which food and drink are served may partake of the food and drink so long as he/she is required to attend the Cosponsored Activity by his/her supervisor and is performing a vital function during the activity. This may include managing and overseeing the activity, providing registration or other on-site support, speaking, presenting awards or staffing an SBA booth. Employees are expected to use common sense and good judgment in partaking in food and drink, as their conduct will reflect on the agency.

Chapter 12: Use of SBA Logo

1. **Where can I find SBA's logo?**

The Agency's logo may be found on the Office of Marketing and Customer Service (OMCS) portion of the SBA intranet at the following URL:

<http://yes2007.sba.gov/offices/OMCS/Pages/SBALogos.aspx>

2. **May SBA's logo be altered in any way other than size?**

No, only OMCS staff has the authority to modify the Agency's logo. No other employee or outside party may alter the color, proportions, or content of SBA's logo. The Inspector General may promulgate a logo for the Inspector General's Office. Aside from that, no employee outside of OMCS has the authority to create new SBA logos related to particular programs, offices, or initiatives. Furthermore, SBA's logo may not be merged, combined, or cobranded (i.e., the logos are touching) with the logos of any other parties.

3. **What are the general rules regarding the use of SBA's logo?**

The Agency's logo may only be used to promote SBA and/or its programs, activities, and services. SBA's logo cannot be used in a way that suggests the Agency is endorsing any individual, organization, product, or service or in a way which implies that an improper relationship exists between SBA and an outside party. SBA's logo also must not be used in any manner that is liable to bring the Agency into a negative light. For example, SBA's logo may not appear in connection with any products or services related to the alcohol, gambling, or adult entertainment industries, any lobbying efforts, or any political activities.

4. **For what purposes may SBA employees use the Agency's logo?**

SBA employees may use the Agency's logo for publicizing, branding, and identifying SBA and its programs and activities on official business cards, presentations, reports, correspondence, signs, marketing and outreach materials, and similar publications.

5. **May SBA use funds to put its logo on personal or promotional items?**

a. Using appropriated funds. In general, SBA is restricted from using its appropriated funds to purchase promotional items or items of a personal nature, such as clothing (e.g., caps, jackets, and shirts). Such purchases are permissible only where the item directly and primarily serves the purpose of conveying information to the public or the apparel serves to identify particular individuals as employees or acting in an official capacity. For example, Office of Disaster Assistance personnel providing services in an affected area may wear jackets or t-shirts with the SBA logo on them. Questions regarding use of appropriated funds to purchase SBA-branded apparel should be directed to the Office of General Counsel (202-205-6642) before the purchase is made.

b. Using gift funds. SBA may use gift funds to purchase promotional items or items of a personal nature in accordance with the rules set forth in the Gift SOP, SOP 90 53, and in particular Chapter two, paragraphs five through seven.

6. **May outside organizations or individuals use SBA's logo?**

SBA's logo is a protected mark under the Lanham Act (15 U.S.C. § 1051 et seq.) and therefore it may only be used by outside organizations or individuals who obtain advance written permission from SBA. Outside parties operating under written agreements with SBA (such as other Federal agencies, grant recipients, contractors, Cosponsors, SAM participants, etc.) may use the Agency's logo as authorized and specified in that underlying agreement. If there is no written agreement in place between SBA and an outside organization or individual, or if the agreement does not cover use of SBA's logo, then the party wishing to use SBA's logo must submit a written request for permission to either OMCS (for national entities) or, for local entities, to the relevant Responsible Program Official.

Responsible Program Officials will be held accountable for authorizing any use of the logo that is not in compliance with this SOP. When SBA's logo is used by an outside party, that usage must make clear SBA's role in the activity and its relationship to that outside party (for example, by featuring the phrase "Funds Guaranteed by" immediately preceding SBA's logo, etc.). Use of the Agency's logo must not imply an endorsement or preferential treatment or suggest a relationship which does not exist. Where a Responsible Program Official is uncertain as to whether use of the Agency's logo is appropriate in a given situation, she or he should contact OMCS for additional guidance and support. For specific examples of circumstances when and how SBA's logo may be used by outside parties (such as ads or other marketing materials, oversized ceremonial checks, etc.), please see the OMCS web site.

This policy on the use of SBA's logo does not supersede the legal principles of fair use of trademarks. Thus, SBA's logo may be used by outside organizations for news reporting and other critiques without SBA's prior permission, provided the logo use does not imply an endorsement or sponsorship by SBA.

7. **May participants in SBA programs display the Agency's logo?**

In order to highlight SBA's contribution to the nation's small businesses, SBA may from time to time make decals, or web icons, in window cling or electronic format, available to organizations or individuals who wish to display them. SBA may, at its sole discretion, prohibit any individual or business from displaying SBA's logo if SBA determines that allowing that individual or business to display the logo would not be in the best interest of the Agency, and may issue such other guidelines or restrictions on the display of the logo as it determines prudent.

Decals or web icons that identify participation in an SBA program may only be used for the purpose of identifying or acknowledging an organization or individual's participation in a specific Agency program, and the individual or organization must cease its use after termination, graduation, completion or withdrawal from the program. Window decals and web icons may not be used in a way that suggests the Agency has endorsed or conferred a seal of approval upon any entity, product, or service, nor may they be used for purposes of

advertisement. Participants and third parties may not alter the logos they receive from SBA in any way.

District office personnel may distribute SBA window decals to qualifying parties. For available decals, see the OMCS YES page.

8. May SBA make use of the logos of outside parties?

A Responsible Program Official may authorize her or his office to use the logo of an outside organization if doing so serves an official Agency purpose. Examples of permissible use of outside logos include acknowledging presenters at SBA-sponsored events or Donors who contribute to particular SBA activities or initiatives. Outside party logos may not be used in any way that suggests the Agency has endorsed or conferred a seal of approval upon any entity, product, or service. Outside party logos may be used only for purposes of identifying or acknowledging an organization and where they are utilized, the role that organization has taken in an SBA event or program must be made clear. For example, the program for an SBA event may include ABC Corporation's logo with the following phrase printed directly below it: SBA thanks ABC Corp. for its support of this event.

9. Can SBA's logo be used for a third-party activity?

Where the conditions discussed in the paragraphs below are met, SBA's logo may appear in connection with third-party activities. As a general rule, if SBA is participating in a limited capacity in an event hosted by one or more other entities, then the Agency's logo may appear in materials promoting that event only if those materials have separate, clearly marked sections distinguishing participants from hosts or sponsors of the event, or if the Agency's logo only appears directly above or beside the SBA representative's name or bio.

Additionally, while an SBA employee is making a presentation at a third-party activity, the Agency's logo may be displayed on a sign or electronic media near the presenter only for the course of that presentation. Once the SBA employee finishes the presentation, the Agency's logo must be removed from display.

10. What should RPOs consider in determining whether to authorize logo use by a third party?

When SBA's logo is used by an outside party, that usage must make clear SBA's role in the activity and its relationship to that outside party (for example, by featuring the phrase "Funds Guaranteed by" immediately preceding SBA's logo, etc.). Use of the Agency's logo must not imply an endorsement or preferential treatment or suggest a relationship which does not exist.

The RPO must decide whether a proposed use of the SBA logo is appropriate. The RPO should consider whether the entity using the logo is commercial or noncommercial, whether the logo use implies an association between SBA with a product and service, whether the logo is accompanied by the disclaimer in section 4, and other factors appropriate to the situation.

Where an RPO is uncertain as to whether use of the Agency's logo is appropriate in connection with a particular third-party activity, she or he should contact district counsel or

the Office of Marketing and Customer Service (OMCS) for additional guidance and support. The RPO is accountable for inappropriate use of the logo in third-party events.

11. Must a disclaimer be used in connection with SBA's logo?

Except where doing so is impractical due to space constraints, Responsible Program Officials are strongly encouraged to require use of the following disclaimer whenever SBA's logo appears on materials produced by outside parties:

“SBA's participation or support is not an endorsement of any product, service, or entity.”

When used, this disclaimer must appear in clearly legible type in close proximity to the Agency's logo.

12. What should I do if I believe SBA's logo has been used improperly?

If you believe SBA's logo has been used without the Agency's permission, please contact the Office of General Counsel. If you believe the logo has been used with the Agency's permission but has not been properly handled in accordance with the guidance set forth in this SOP, please contact OMCS.

13. For what purposes can I use SBA's seal?

The use of SBA's seal is set forth in regulation at 13 C.F.R. § 101.105. The regulation authorizes use for specific purposes: certification of originals and copies of documents; SBA awards and medals; career service awards; security credentials and ID cards; business cards; official signs; plaques; the SBA flag; officially authorized reports or publications; and for such other purposes as determined necessary by the Administrator. If SBA receives an external request to reproduce the seal in circumstances other than those specific purposes, the Administrator and the General Counsel shall consider factors including the benefit or cost to the Agency of granting the request; the unintended appearance of endorsement or authentication by SBA; the potential for misuse; the reputability of the use; the extent of control by SBA over the use; and the extent of control by SBA over the distribution of any products or publications bearing the SBA seal.

This policy on the use of SBA's seal does not supersede the legal principles of fair use of trademarks. Thus, SBA's seal may be used by outside organizations for news reporting and other critiques without SBA's prior permission, provided the seal use does not imply an endorsement or sponsorship by SBA.

Appendix A: Forms

<u>Form</u>	<u>Paragraph</u>
SBA Form 1615, Cosponsorship Approval Form	7-3
SBA Form 2299, Final Cosponsorship Report	9-2
SBA Form 20, Outreach Participant Questionnaire	9-2

Cosponsorship Approval Request Form

Cosponsorship Authorization # _____ (provided by OSA)

Part One

Proposed Cosponsored Activity:

Name of Activity: _____

Date: _____ Location: _____

Proposed Cosponsor name(s):

By signature below, I certify that I have reviewed the proposed Cosponsorship Agreement including the anticipated budget and source(s) of funds. Having considered the objectives, participants, and agenda of the Cosponsorship, the statutory and regulatory limitations upon Cosponsorships, I find this Cosponsorship complies with the provisions of SOP 90 75 4 and request legal clearance.

Sign:

(Type or Print Name, Title, Office)
Responsible Program Official

Date

Sign:

(Type or Print Name, Title, Office)
Senior Outreach Manager

Date

Part Two

By signature below, I certify that as authorized by the General Counsel, I have reviewed the proposed Cosponsorship Agreement and evaluated the overall activity including the objectives, Cosponsor's roles and responsibilities, and anticipated budget including source(s) of funds. I find that this Cosponsorship complies with the applicable, law, regulation and Agency policy including 15 U.S.C. § 633(h), 13 C.F.R. Part 106 and SOP 90 75 4. Additionally, based on the information available to me and current policy, I do not find a conflict of interest with the proposed cosponsor(s).

Sign:

(Type or Print Name)
SBA Legal Counsel

Date

Part Three (for Higher-Profile Cosponsorships Only)

By signature below, after reviewing the Cosponsorship Agreement, budget, and vetting results, I have determined that this cosponsorship is in the best interests of the Agency.

Sign:

(Type or Print Name)
Director, Office of Strategic Alliances

Date

Final Cosponsorship Report

Cosponsorship Authorization # _____

1. Name of Cosponsoring Office: _____
2. Date(s) of Cosponsored Activity: _____
3. Name of Cosponsored Activity: _____
4. Number of sessions and/or length of activity: _____
5. List of Cosponsors: _____

6. Type of Assistance Provided (as applicable):

- | | | |
|---|--|--|
| <input type="checkbox"/> Business Start-up/Preplanning | <input type="checkbox"/> Business Accounting/Budgeting | <input type="checkbox"/> Technology/Computers |
| <input type="checkbox"/> Business Plan | <input type="checkbox"/> Cash Flow | <input type="checkbox"/> eCommerce |
| <input type="checkbox"/> Business Financing/Capital Sources | <input type="checkbox"/> Tax Planning | <input type="checkbox"/> Legal Issues |
| <input type="checkbox"/> Managing a Business | <input type="checkbox"/> Marketing/Sales | <input type="checkbox"/> International Trade |
| <input type="checkbox"/> Managing Employees | <input type="checkbox"/> Government Contracting | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Customer Relations | <input type="checkbox"/> Franchising | |

- | | |
|---|---|
| <p>7. Final Budget (total value) of \$ _____</p> <p>Cash collected:</p> <p>(Source name) \$ _____</p> <p>(Source name) \$ _____</p> <p>Participant Fees (# x \$) \$ _____</p> <p>Value of In-kind Contributions: \$ _____</p> | <p>8. Explanation of Budget Changes or Disposition</p> <p>Excess Funds: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
|---|---|

9. Additional Notes: _____

I certify that to the best of my knowledge, the above information contains a true and accurate report of the Cosponsored Activity.

 (Type Name and Title) Date
 Responsible Program Official

- Attached Documents:
- Final Cosponsorship Budget
 - Final Accounting Report from Fiscal Agent

Instructions for Completing the Final Cosponsorship Report Form 2229.

- 1. Name of Cosponsoring Office.** Insert name of the district or program office originating the cosponsorship such as “Columbus District Office” or “Office of Entrepreneurial Development.”
 - 2. Date(s) of Cosponsored Activity.** Provide actual date of activity. If activity is part of an ongoing series, such as a monthly seminar, the Final Cosponsorship Report need only be submitted once per year (unless otherwise requested by OSA) and should summarize that year's activities.
 - 3. Name of Cosponsored Activity.** Provide name given to the activity.
 - 4. Number of sessions.** If Cosponsored Activity is part of a series of activities, provide total number of activities/sessions conducted under this Cosponsorship authorization number. If Final Cosponsorship Report is event specific, indicate this report is what number of the total, ex: report #2 of 6.
 - 5. List of Cosponsor(s).** List all Cosponsors by name only including any changes or deletions to the original Cosponsorship Agreement.
 - 6. Type of Assistance Provided.** Check off the appropriate box(s) for topics relating to the Cosponsored Activity(s) conducted under this Cosponsorship Authorization number.
 - 7. Final Budget.** On the first line, provide the total direct cost of the activity. On the subsequent lines provide the cash breakdown by source (a cosponsor, SBA BATF), total Participant Fees collected (if applicable), and lump-sum total of all in-kind contributions regardless of source.
 - 8. Explanation of Budget Changes or Disposition of Excess Funds.** If the final budget totals deviate more than 25% from the anticipated budget totals, please provide a narrative explaining the difference. If money remains in the Cosponsorship Fund after all bills have been paid, please note how those funds were disposed. If money was refunded to the cosponsors or attendees, please provide a break down of the amount returned to whom. You may attach a separate sheet if necessary.
 - 9. Additional Notes.** Space for the Responsible Program Official to make special notations or elaborate on any of the responses to previous questions.
- Signature Block.** The responsible Program Official must sign the completed form and email it to the Office of Strategic Alliances.
- Attachments.** Under SOP 90 75 4, these items are also required to be submitted to OSA with the Final Cosponsorship Report. Please check each box to indicate the information is attached. If information is not attached, please use section 10 to explain why information is not being provided.



SBA FORM 20-Outreach Event Survey					
Name and Date of Event:					
1. Your NAICS Code:					
2. Quality of Event:					
	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The information was presented effectively					
The information presented was practical					
The program provided a good working knowledge of the information presented					
The program allowed me to acquire practical skills and knowledge to manage my business more effectively and efficiently					
The program was sufficient for my purposes					
3. Quality of (presenter 1)					
Presenter's name:	very good	good	adequate	poor	very poor
a. Capacity to hold your interest					
b. Organization of the presentation					
c. Level at which they presented the topic					
d. Communication skills					
(repeat for each presenter)					
4. Overall, would you say this event was helpful? ___yes ___no			5. Would you attend a similar event? ___yes ___no		
6. What did you like best about this event?			7. What portions of the event do you recommend we improve?		
8. What topics interest you for future events? (check as many as apply)					
___ starting a business	___ business plan	___ estimating & bidding			
___ purchasing	___ personnel	___ international trade			
___ financing statements	___ sources of credit and financing				
___ increasing sales	___ advertising and sales promotion				
___ selling to the government	___ engineering & research				
___ inventory control	___ credit and collection	___ computer systems	Other: __		
9. Would you have preferred that this event had been done online? ___yes ___no			10. If you would like a SBA representative to follow up, please leave your business telephone or email address.		

<p>11. Are you an exporter? _____yes _____no</p> <p>If yes:</p> <p>a. What percentage of your sales are exports? _____%</p> <p>b. Have you ever used an SA export loan to finance your exports? _____yes _____no</p> <p>c. Have you had export training by an SBA or partner office? _____yes _____no</p> <p>d. Would you like to be advised of upcoming export training events? _____yes _____no</p> <p>If yes, what is your name and address?</p>	
<p>12. How did you find out about the event?</p> <p>___SBA District Office</p> <p>___Lender</p> <p>___Another business owner</p> <p>___SBA Web Site</p> <p>___SBDC</p> <p>___USEAC</p> <p>___SCORE</p> <p>___WBC</p> <p>___A client</p> <p>___Educational Institution</p> <p>___Local Economic Development Official</p> <p>___Chamber of Commerce</p> <p>___Magazine/Newspaper</p> <p>___Word of mouth</p> <p>___Television/radio</p> <p>___Internet (name of site) _____</p> <p>___Other (specify) _____</p>	<p>13. What is your race?</p> <p>___American Indian or Alaskan Native</p> <p>___Asian</p> <p>___Black or African American</p> <p>___Native Hawaiian or Other Pacific Islander</p> <p>___White</p> <p>___Would prefer not to say</p>
	<p>14. What is your ethnicity?</p> <p>___Hispanic or Latino</p> <p>___Not Hispanic or Latino</p> <p>___Would prefer not to say</p>
	<p>15. What is your gender?</p> <p>___Female</p> <p>___Male</p> <p>___Would prefer not to say</p>
<p>16. What is your military experience?</p> <p>___Currently in the military</p> <p> ___Active duty</p> <p> ___Reserve or National Guard</p> <p>___Not a veteran</p> <p>___Service-Disabled Veteran ___Veteran</p>	

ADDENDUM FOR ALL EVENTS INVOLVING GOVERNMENT CONTRACTING

Are you:

_____ registered on the System for Award Management?

_____ an 8a concern?

_____ WOSB/EDWOSB?

_____ HUBZone?

_____ Veteran-Owned

_____ Service Disabled Veteran-Owned

_____ Other? Describe: _____

_____ A Federal Contractor?

Appendix B: Definitions

1. Appropriate Recognition refers to the statutory requirement that SBA and the Cosponsor(s) receive Appropriate Recognition and publicity for cosponsorship of the activity and that such recognition must not constitute or imply an endorsement by SBA of any products or services of the Cosponsor.
2. Candidate for Public Office refers to any individual running for an elected Federal, state or local government public office.
3. Cooperative Agreement is an instrument that awards Federal funds to a recipient for performance of a project to benefit the public. Documents which provide the terms and conditions of the Cooperative Agreement are the Program Announcement and Notice of Award.
4. Cosponsor means an entity or individual who actively and substantially participates in planning and conducting an agreed upon Cosponsored Activity. All Cosponsors must sign a written Cosponsorship Agreement with SBA.
5. Cosponsored Activity means an activity, event, project or initiative, designed to provide assistance for the benefit of small business as authorized by the Small Business Act. The Cosponsored Activity must be planned and conducted by SBA and one or more Cosponsors. A Cosponsored Activity must be approved through a written Cosponsorship Agreement. A Participant Fee may be charged by SBA or another Cosponsor at any Cosponsored Activity. Assistance for the purposes of Cosponsored Activity does not include grant or any other form of financial assistance. However, assistance for the benefit of small business may include training SBA participating lenders on SBA's programs, training prime contractors or government procurement officers on how to utilize SBA's contracting programs or other initiatives targeted towards entities providing assistance to small businesses.
6. Cosponsorship Agreement means an approved written document which has been duly executed by SBA and one or more Cosponsors. The Cosponsorship Agreement shall contain the parties' respective rights, duties and responsibilities regarding the planning and implementation of the Cosponsored Activity.
7. Cosponsorship Funds refers to all cash collected in support of a Cosponsored Activity. Cosponsorship Funds may be derived from a Cosponsor's cash injection or money collected from each participant (i.e. registration fee). The Fiscal Agent, subject to oversight by SBA, is responsible for collecting and expending all Cosponsorship Funds.
8. Cosponsorship Material means all print and electronic materials used to promote the Cosponsored Activity or used in the Cosponsored Activity. Cosponsorship Materials may include, but are not limited to, flyers, brochures, mailers, email, promotional

- pieces, web pages, or any other physical, print or electronic item bearing SBA's name or logo.
9. Cosponsorship Red Team means a group used to provide emergency expedited review of a Cosponsorship Agreement. The Red Team consists of the AA OCPL, the Director of OSA, an Outreach attorney from OGC, the Responsible Program Official from the Originating Office, and the AA OFO if the Originating Office is a district office.
 10. Donor means an individual or entity that provides a Gift, bequest or devise (in cash or in-kind) to SBA. As used in this SOP, Donor does not include an individual or entity that provides cash or in-kind support to a Cosponsor for use during a Cosponsored Activity.
 11. Eligible Entity refers to an entity that is eligible to be a Cosponsor. An Eligible Entity must be a for-profit or not-for-profit entity, or a Federal, State or local government official or entity. Individuals, other than government officials, are not eligible to be a Cosponsor; however, a sole proprietorship may be an Eligible Entity. All entities must be legal entities authorized to conduct business in the United States.
 12. Fiscal Agent refers to the Cosponsor with responsibility for collecting, managing and disbursing the Cosponsorship Funds.
 13. Gift (including a bequest or a device) means the voluntary transfer to SBA of something of value without the Donor receiving legal consideration.
 14. Originating Office means the field or program office that proposes, plans, and participates in the Cosponsored Activity.
 15. Participant Fee means a minimal fee assessed against a person or entity that participates in a Cosponsored Activity and is used to cover the direct costs of the activity.
 16. Public Official means an elected or appointed federal, state or local government official.
 17. Responsible Program Official or RPO is an SBA senior management official from the Originating Office who is accountable for the Cosponsored Activity. If the Originating Office is a district or branch office, the Responsible Program Official is the district director or their deputy. In headquarters, the Responsible Program Official is the management board member or their deputy with responsibility for the relevant program area. See Chapter 2 for certification requirements for Responsible Program Officials.
 18. Vetting refers to the process of gathering information about a potential Cosponsor in order to determine if it is a prohibited source, and for the General Counsel or designee to make a conflict of interest determination.