

**COLORADO OFFICE OF ECONOMIC DEVELOPMENT
& INTERNATIONAL TRADE ("Office")**

**QUALIFIED BUSINESS OR QUALIFIED RURAL BUSINESS AND QUALIFIED INVESTMENT
DETERMINATION STATEMENT FOR THE 2002 POOL**

Date and Time of Information Submitted

Name of CAPCO

Signature of Office Representative

<p>ALL QUESTIONS MUST BE ANSWERED; IF ANSWER IS "NONE" OR "NOT APPLICABLE", SO STATE. Attach addendum or separate sheet if space herein is insufficient to answer any question fully.</p>		
<p>1. Colorado Business' legal name and complete street address.</p>	<p>2. The business is headquartered, as defined in Colorado's CAPCO regulation (the CAPCO regulation), in the State of Colorado.</p> <p>Yes _____</p> <p>No _____</p>	
<p>3. The business' principal business operations, as defined in the CAPCO regulation, are based in Colorado if: <i>Yes or No</i></p> <p>_____ more than 50% of the business' total assets are physically present in Colorado, _____ more than 50% of the business' net income is allocable or apportionable to Colorado in accordance with Colorado income tax law. _____ more than 75% of the business' existing total salaries, wages and/or other compensation are paid to Colorado employees (calculated on a full-time equivalent basis).</p>		
<p>4. Business' number of employees, as defined by the United States Small Business Administration's ("SBA") guidance at 13 CFR 121.106.</p> <p>By Employee Locations</p> <p>Colorado _____</p> <p>Non-Colorado _____</p>	<p>5. Business' North American Industry Classification System ("NAICS") code based on the business' industry and subsector.</p> <p>NAICS code _____</p> <p>Maximum Employees _____</p> <p>industry _____</p> <p>size <i>or</i> _____</p> <p>standard Gross Receipts _____</p> <p>amount _____</p>	<p>6. Business is not predominately engaged in professional services provided by accountants or lawyers.</p> <p>Yes _____</p> <p>No _____</p> <p><i>Should be a yes response.</i></p>
<p>7. Included with this statement should be a comprehensive analysis of how the business qualifies under SBA's guidance at 13 CFR 121.101-108 and 121.201. Such analysis shall include a specific determination for <u>every criteria</u> listed in the SBA's guidance as stated in the above sections "Size Eligibility Provisions and Standards".</p> <p>Does the potential Qualified Business have affiliation with any other concern:</p> <p>a) based on stock ownership? Yes ____ No ____</p> <p>b) arising under stock options, convertible debentures & agreements to merge? Yes ____ No ____</p> <p>c) based on common management? Yes ____ No ____</p> <p>d) based on joint venture arrangements? Yes ____ No ____</p> <p>e) based on franchise and license agreements? Yes ____ No ____</p> <p>Is the business concern eligible for assistance from SBA as a small business? Yes ____ No ____</p> <p>If a specific criteria is not applicable, then the analysis shall so state and provide the reason why it is not applicable. Such comparisons, with the SBA size standards found under 13 CFR 121.201, shall utilize the most recent SBA size standards available.</p>		

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8.	<i>Yes or No</i>	This Determination Statement is dated no earlier than 90 business days before the date submitted to the Office for a written opinion. If a written opinion is not requested, the Statement shall be dated no earlier than 90 business days before the CAPCO's initial investment in the Qualified Business, as applicable, and maintained in the CAPCO's files with all supporting documentation. _____
9.	<i>Yes or No</i>	The business' principal business operations, as defined in this regulation, are in a Designated Rural County or Distressed Urban Community if applicable, as defined in the CAPCO statute and regulation. _____
10.	<i>Yes or No</i>	The supporting documentation, for all above statements, should be attached to the Determination Statement submitted to the Office for a written opinion or shall be available for review by the Office, at its discretion any time, if the Office's determination will not be made until the Office's Annual Review. Such documentation shall include, but not be limited to, legal structure documentation; specific authorization for the individual to execute such statements on behalf of such business as well as stating individual's capacity for such business; a business plan; complete financial statements, including the preparer's cover letter and notes, as described in the SBA's guidance for 13 CFR 121.201; state and federal tax returns for the most recent 3 fiscal year periods or the portion of the period for which they are available if the business has been in operation less than 3 years; payroll reports described in the SBA's guidance for 13 CFR 121.201, which are further delineated by Colorado and non-Colorado operations and again, further divided by Designated Rural County or Distressed Urban Community if applicable; a statement, dated no earlier than 90 business days from the date submitted to the Office or from the initial investment in the business by a CAPCO, from the local Enterprise Zone Administrator stating that the business is located within a Distressed Urban Community if applicable; and any other information submitted by _____ the business or obtained by the CAPCO in regard to the request.
11.	<i>Yes or No</i>	The CAPCO's investment meets the definition of "Qualified Investment" in the CAPCO statute and the definition of "Investment of Cash" in the CAPCO regulation. _____
12.	<i>Yes or No</i>	If debt is being provided, the attached documentation must prove the business is unable to obtain conventional financing. To meet this requirement, the business must have applied for and been declined bank financing. A decline letter from a bank which is located within 100 miles of the business' primary business operation and which is located within the State of Colorado must also be submitted. Such decline letter must be dated no earlier than 90 business days prior to the CAPCO's investment, shall be executed on bank letterhead, and shall contain a complete address and phone number for the bank and the name of the company's contact at the bank. The decline letter shall indicate that the bank has been requested to provide a loan for the same reason for which the CAPCO may provide an investment; the bank has been provided with sufficient information required by the bank to make a determination of financing eligibility; the bank declines to fund the entire amount and/or a portion of the total financing requested; and the bank official certifies that the bank is located within 100 miles of the business' primary business location, the business' primary business location is within the bank's geographic marketing area and the bank is located within the State of _____ Colorado. This item applies to debt or instruments with debt-type characteristics.

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13. <i>Yes or No</i>	<p>If debt is being provided, the attached documentation must prove that the business is unable to obtain financing from the Revolving Loan Funds operating within the State of Colorado. Such Revolving Loan Funds have received funding previously or currently from Community Development Block Grant Funds which the Office administers. A current list of the Revolving Loan Funds and their respective geographical service areas may be obtained from the Office. A current list is one which has been obtained from the Office no more than 90 business days prior to any investment being made by a CAPCO. To meet this requirement, the business must have applied for and been declined Revolving Loan Fund financing (if a Revolving Loan Fund serves the geographical area for the company's primary business operations in the State of Colorado). A decline letter from the Revolving Loan Fund which serves the geographical area for the business' primary business operation within Colorado shall be executed on the Revolving Loan Fund's letterhead and shall be dated no earlier than 90 business days prior to the CAPCO's investment. The decline letter shall indicate that the Revolving Loan Fund has been requested to provide a loan for the same reason for which the CAPCO may provide an investment; the Revolving Loan Fund has been provided with sufficient information required by the Revolving Loan Fund to make a determination of financing eligibility; the Revolving Loan Fund declines to fund the entire amount and/or a portion of the total financing requested. If a Revolving Loan Fund does not cover the geographical area where the company's principal business operations are located, then the CAPCO shall submit a statement to such effect. This item applies to debt or instruments with debt-type _____ characteristics.</p>
14. <i>Yes or No</i>	<p>The CAPCO shall not invest more than 15% of its Total Certified Capital in any one Qualified Business or Qualified Rural Business as applicable.</p> <p>_____</p>
15. The CAPCO shall state:	
<p>The Specific Pool to be utilized</p> <p>The amount of investment</p> <p>Type of Qualified Investment as defined per the regulation</p> <p>_____</p>	<p>Statewide_____ Rural_____</p> <p>\$_____</p> <p>_____</p>
16. I do hereby certify that we have read and understand the above statements and that the information supplied to the Colorado Office of Economic Development & International Trade for review is true and accurate.	
<p>Signature of the Certified Capital Company and Date</p> <p>_____</p>	<p>Name and Title of Authorized Member (Printed)</p> <p>_____</p>
<p>Signature of the Colorado Business and Date</p> <p>_____</p>	<p>Name and Title of Authorized Member (Printed)</p> <p>_____</p>