



Mashantucket Pequot
Tribal Nation

MASHANTUCKET EMPLOYMENT RIGHTS OFFICE

Frequently Asked Questions About Tribal Member-Owned Business Certification

**For Certification by the MERO as a Business Owned
by one or more Members of the Mashantucket Pequot Tribal Nation**

These Frequently Asked Questions (FAQs) provide general information about the Mashantucket Employment Rights Office (MERO) program of certification of Tribal Member-Owned Businesses (TMB).

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SECTION A. GENERAL INFORMATION

A.1. What is a Tribal Member-Owned Business (TMB)?

A TMB is a business

- (a) that is 51% or more is owned by one (1) or more members of the Mashantucket (Western) Pequot Tribal Nation (MPTN) who are in good standing with the Tribe;
- (b) that has been in continuous business for at least one (1) year;
- (c) that has one (1) or more active and current customer(s) not affiliated with MPTN or its enterprises; and
- (d) that is not subject to conditions, executor agreements, voting trusts, shareholder agreements, or other similar arrangements that would allow the primary benefits of certified TMB status to accrue to any non-TMB entities or individuals who are not MPTN Tribal Members.

A.2. Why become a MERO certified TMB?

The MPTN procurement department may afford TMBs certain preference benefits. For more information, please contact the procurement department’s Vendor Administrator at SDCC@mptn-nsn.gov. Certification by the MERO does not qualify the business for any particular MPTN procurement opportunity.

A.3. Are TMB’s required to be certified by the MERO?

No, a TMB is not required to be certified by the MERO to conduct business with the MPTN procurement department. However, only MERO certified TMBs receive preference for certain procurement opportunities. Contact the procurement department’s Vendor Administrator at SDCC@mptn-nsn.gov for additional information about potential opportunities and required qualifications.

A.4. What is the difference between direct and verified certification of a TMB?

Direct certification is for those businesses that do not have a current business certification from a certifying body recognized by the MERO. The business submits the application and all supporting documents for the MERO to determine if the business meets the requirements to be certified as a TMB in accordance with the criteria set forth above in Section A.1.

Verified certification is for those businesses that already possess a certification by a certifying body recognized by the MERO. (See Section A.5.) The business must demonstrate that it meets the criteria for certification as a TMB. (See Section A.1.) The MERO affords certain reciprocity to recognized certifying bodies; therefore, the verified certification application and required documentation is not as extensive as the requirements for MERO direct certification.

The preference benefits afforded a certified TMB with MPTN's procurement department are the same regardless of whether the MERO certification is direct or verified. The procurement department determines if a certified TMB is qualified for a particular opportunity.

A.5. What organizations qualify as certifying bodies recognized by the MERO?

Several federal, state, and independent organizations that certify small and disadvantaged businesses, including minority and woman-owned businesses, are recognized by the MERO, including: 1) the *National Minority Supplier Development Council (NMSDC) or any of their regional chapters*; 2) the *National Women Business Owners Corporation (NWBOC)*; 3) the *Women's Business Enterprise National Council (WBENC) or any of their regional chapters*; 4) the U.S. Small Business Administration (SBA); 5) a *state in the United States*, and 6) Federal or state recognized Native American/Alaskan Native or First Nations Band *Tribal Employment Rights Offices (TEROs)*. Other certifications also may be recognized by the MERO. Please contact the MERO for additional information.

A.6. What are the limitations of direct certification by the MERO?

The MERO certification may not be accepted outside the MPTN. Currently, there is no known reciprocity with other certifying bodies. A TMB certified through verified certification would receive any additional benefits associated with their original certification.

A.7. What are the advantages of being certified by a certifying body recognized by the MERO?

Government agencies and recognized private certifying organizations may provide small businesses access to bid opportunities, to the certifying body's network, inclusion in marketing materials, corporate diversity and procurement professionals, and mentorship programs. Exhibit A, attached, provides select information about some of the certifying bodies recognized by the MERO.

If the business wishes to apply for MERO direct certification, proceed to Section B.
 If the business is already certified and wishes to apply for verified certification, proceed to Section C.
 See also, MERO Form KPP-3120, *Applying for Certification of a Tribal Member-Owned Business*.

SECTION B. APPLYING FOR DIRECT CERTIFICATION

B.1. What is the direct certification process?

A business that meets the definition of a TMB (See Section A.1.) may apply for direct certification by submitting the following to the MERO:

- 1) Fully completed MERO Form KPP-3410, *Application for Direct Certification of a Tribal Member-Owned Business*, including all required documents;
- 2) Fully completed MERO Form KPP-3435, *Authorization for Release of Information for Application for Certification of a Tribal Member-Owned Business*.

The application must be completed by an owner who is an MPTN member, who will serve as the MERO's primary contact with the business and will be expected to timely respond to all follow-up inquiries from the MERO. The application must be certified by all MPTN member owners. After the MERO receives all the required forms and documents, a decision generally issues within 45 days.

B.2. What are the required documents needed to apply for certification?

A complete list of the required documents may be found on the application form. Some documents all businesses are required to provide, regardless of form (LLC, Partnership, Corporation, Sole Proprietorship), include written confirmation from the Mashantucket Pequot Tribal Clerk confirming membership in MPTN in good standing for each owner who is a member of the MPTN; and information about the structure and function of the business, including the ownership, management, work or services performed, financial and other resources, assets, relationships with other business entities, customer or client base, etc.

SECTION C. APPLYING FOR VERIFIED CERTIFICATION

C.1. What is the process of verified certification?

A business that meets the definition of a TMB (See Section A.1.) and holds a current certification from a certifying body recognized by the MERO (See Section A.5.) may apply for verified certification by submitting the following to the MERO:

- 1) Fully completed MERO Form KPP-3420, *Application for Verified Certification of a Tribal Member-Owned Business*, and all required documents;
- 2) Fully completed MERO Form KPP-3435, *Authorization for Release of Information for Application for Certification of a Tribal Member-Owned Business*.

The application must be completed by an owner who is an MPTN member who will serve as the MERO's primary contact with the business and will be expected to timely respond to all follow-up inquiries from the MERO. The application must be certified by all MPTN member owners. After the MERO receives all the required forms and documents, a decision generally issues within 45 days.

C.2. What documents are required to apply for verified certification?

A complete list of the documents required for verified certification may be found on the application form. Some documents all businesses are required to provide, regardless of form (LLC, Partnership, Corporation, Sole Proprietorship), include written confirmation from the Mashantucket Pequot Tribal Clerk confirming membership in MPTN in good standing for each owner who is a member of the MPTN; documentation confirming certification by a certifying body recognized by the MERO; information about the structure and function of the business, including the ownership, management, work or services performed, financial and other resources, assets, relationships with other business entities, customer or client base, etc.

C.3. What if the business is certified by more than one certifying body recognized by the MERO?

The business must choose one certifying body from which it holds a current certification to be verified by the MERO. Businesses with more than one (1) current certification may wish to choose the certification they are most likely to maintain. The MERO's renewal process for verified certification is only available if the renewal is based on certification by the certifying body that issued the certification the MERO verified.

SECTION D. INFORMATION APPLICABLE TO ALL APPLICATIONS

D.1. What is MERO's role in the TMB certification process?

The MERO initiates and conducts investigations and makes the TMB certification determinations. The MERO notifies the procurement department when a business is certified as a TMB. The MERO also provides guidance to individuals and businesses that may seek certification.

D.2. Where can the certification application materials be found?

Information and all forms, including the application, are available on MERO's website, <https://MERO.mptn-nsn.gov>, or by contacting the MERO.

D.3. What are the costs associated with the application process for the MPTN Tribal-Member-Owned business certification?

Currently, there are no fees charged by the MERO for processing an application. Any fees associated with obtaining information or documents requested by the MERO are borne by the business.

D.4. How long does the application process take?

The certification process generally takes 45 days after submission of a complete application package. Under certain circumstances, such as if the MERO requests additional information or documentation in support of an application, or is unable to confirm information provided, additional time may be required.

D.5. If a Tribal Member owns more than one business, must an application be submitted for each business?

Yes, if a Tribal Member owns more than one business, a separate application must be submitted for each business for which certification as a TMB is sought.

D.6. If a Tribal Member business owner is an employee of MPTN, can the business apply to be certified?

Yes, the MERO will process an application from a business owned, in whole or in part, by a Tribal Member who is an employee of any MPTN entity, including the Tribal government and MPGE, d/b/a Foxwoods. Please be aware, however, that certain human resource policies may affect an employee who is a business owner, such as conflict of interest policies. Direct any questions about applicable employment policies to Human Resources.

D.7. May the application for MERO certification be signed or submitted electronically?

No, at this time electronic signatures or submissions are not accepted. Original, wet ink signatures, and submission of hard copy originals, are required.

D.8. Where should Tribal Member-Owned business certification or renewal applications be mailed?

Mashantucket Employment Rights Office, MPTN, Pequot Museum, P.O. Box 3180, Mashantucket, CT 06338-3180

D.9. Where may Tribal-Member Owned business certification application be hand-delivered?

The MERO is located in the Pequot Museum at 110 Pequot Trail in Mashantucket, CT. The most convenient access to the MERO is the Pequot Museum's Group Entry. Include the words "MERO" on the envelope and secure the application package. Call or e-mail the MERO in advance to make certain a staff member is available to receive the package.

D.10. Why are there so many sensitive documents necessary to become certified?

The legal business structure documents are the framework of any business body, and these agreements and other internal documents are necessary to establish the standards for certification.

D.11. What happens if the application is incomplete or missing documents?

If an application or other form is not complete, the MERO will request the business's representative to provide the information or the necessary document(s). An application will not be processed until full information is received by the MERO.

D.12. Who will see the paperwork and documents submitted to the MERO?

Applications and confidential support materials are kept confidential by the MERO except as required to conduct the investigation of the business. Nothing precludes a MERO disclosure if an appeal is filed or for other legal processes. Disclosure may also occur with written consent of a representative of the business.

D.13. Is there an onsite visit to the business as part of the application process?

It is within the discretion of the MERO whether an on-site visit is needed. All site visits are scheduled with the business representative in advance. No fee is charged for an on-site visit.

D.14. Who receives the MERO certification decision?

If the MERO certifies a business as a TMB, the MERO notifies the business and the MPTN procurement department of the certification. The MERO has no role in determining the qualifications required for any procurement opportunity or in the procurement process otherwise. For information about the MPTN procurement process, contact the Vendor Administrator at SDCC@mptn-nsn.gov. If the MERO denies the business a certification, the MERO notifies the business of its decision.

D.15. Is a certification considered public information?

Yes, the grant and term of a certification are considered public information and will be provided if an inquiry is made of the MERO. Certification status and business contact information for businesses that have a current MERO certification may be published on the MERO website.

D.16. Does a MERO TMB certification expire?

Yes, MERO TMB certifications are valid for two (2) years. TMBs are required to renew their certification every two (2) years to retain their status as a Tribal Member-Owned Business for purposes of any potential preference procurement opportunities with the MPTN.

D.17. Under what circumstances might a certification be withdrawn?

If the MERO receives or uncovers credible evidence that a MERO certified business no longer meets the requirements to qualify as a TMB, the MERO may withdraw its certification of the business. Procurement is notified if a certification is withdrawn.

D.18. What rights does a business have if the certification is denied or withdrawn?

A business that receives a MERO denial or withdrawal of a certification may contact the Chair of the MPTN Economic Development Committee (EDC) for information about any appeal rights. The address for the EDC is 2 Matt's Path, P.O. Box 3060, Mashantucket, CT 06338-3060.

SECTION E. RENEWAL OF DIRECT OR VERIFIED CERTIFICATION**E.1. How often must a certification be renewed?**

A TMB's certification by the MERO is valid for two (2) years. A renewal application may be submitted 60-90 days prior to the certification expiration. A TMB with a MERO certification completes MERO Form KPP-3415, *Renewal Application for Certification of a Tribal Member-Owned Business*, including all required documents. A TMB with a MERO verified certification completes MERO Form KPP-3425, *Renewal Application for Verified Certification of a Tribal Member-Owned Business*, including all required documents. Renewal of a verified certification is required even if the expiration date of the original certification on which the verification is based is beyond the two (2) years.

E.2. Is renewal automatic?

No, renewal is not automatic. The MERO recommends submission of a renewal application 60-90 days prior to certification expiration. It is the responsibility of the business to make certain a timely renewal application is filed.

E.3. What is required to renew a certification?

The renewal process is simpler than the initial application process, and all the initial documents are not required to be submitted. Generally, a business will be asked to submit its most recent business tax returns and disclose and document ownership or management changes that occurred since certification.

E.4. If the business needs to renew a verified certification but is no longer certified by the body that certified the business when the MERO granted the MERO verified certification, can the business renew its MERO verified certification?

No, a renewal application may only be used if the business has maintained certification with the original certifying body. If the business is certified by a different certifying body recognized by the MERO, the business must submit a *Verified Certification Application* (MERO Form KPP-3420). If the business is no longer certified by any certifying body recognized by the MERO, the business must submit a *Direct Certification Application* (MERO Form KPP-3410).

The information provided is intended to be accurate but general information. For additional information, please refer to the applicable TMB policies, and any guidance issued by the MERO, available on the MERO website or by contacting the MERO. Nothing herein constitutes legal advice.

EXHIBIT A

Below is a summary of select certifying bodies recognized by the MERO that may be of interest to TMBs.

The *U.S. Small Business Administration (SBA)* helps entrepreneurs start, build, and grow small businesses. The largest benefit of being certified by the SBA is preference for U.S. government contracts. The U.S. government is the largest purchaser of goods and services in the world. To diversify the providers of those goods and services, the U.S. Congress mandated that certain percentages of U.S. government contracts are awarded to disadvantaged business owners. The SBA has several programs that certify businesses to qualify for the federal government contracts including: (1) the *8(A) Business Development Program*, which assists entrepreneurs who are socially and economically disadvantaged; (2) the *HUBZone program*, which assists businesses in historically underutilized business zones (<https://maps.certify.sba.gov/hubzone/map#center=44.722800,-103.249700&zoom=4>); (3) the *Woman-Owned Small Business program*; and (4) the *Service-Disabled Veteran-Owned Business program*. For more information about the SBA programs and eligibility, visit www.sba.gov/federal-contracting/contracting-assistance-programs.

SBA's Office of Native American Affairs (ONAA) offers small business development assistance and resources to Native entrepreneurs. Both SBA and ONAA have a wide variety of resources regarding small business development generally and about the specific concerns of Native entrepreneurs and Native-owned businesses. To learn more about ONAA, visit their website: <https://www.sba.gov/about-sba/sba-locations/headquarters-offices/office-native-american-affairs>.

The SBA has local assistance for small businesses to help with the application process including: 1) *APEX Accelerators*, which provide technical assistance to businesses interested in selling products or services to federal, state, and local governments, please visit <https://www.sba.gov/local-assistance/find?type=Procurement%20Technical%20Assistance%20Center&pageNumber=1>; and 2) *Procurement Center Representatives (PCRs)*, which help small businesses win federal contracts. To locate a PCR in your area, please visit <https://www.sba.gov/federal-contracting/counseling-help/procurement-center-representative-directory>.

States offer similar contracting opportunity programs in which certification is also required. For example, Connecticut's program may be found at: <https://portal.ct.gov/das/procurement/supplier-diversity/sbe-mbe-program-certification-application-small-or-minority-business-enterprise>.

A private certifying body, the *Greater New England Minority Supplier Development Council (GNEMSDC)*, is one of the 23 regional councils of the *National Minority Supplier Development Council (NMSDC)* that serves the six (6) New England States. GNEMSDC advances business opportunities for certified Native American business enterprises and connects them to corporate members. For more information about GNEMSDC and their programs, visit their website: <https://gnemspd.org/>.

Another private certifying body, the *National Women Business Owners Corporation (NWBOC)* offers a variety of business development programs that include trainings, webinars and conferences to help certified members become more procurement-ready. NWBOC has formed partnerships with corporations and government organizations that seek opportunities to connect with its members. NWBOC is also a third-party certifier for two of the SBA's certification programs. To learn more about what NWBOC offers and their certification programs, visit their website: <https://nwbo.org/>.

The information provided is intended to be accurate but general information. The links provided were active as of the document date. For additional information, please contact a certifying body of your choice. Some certifying body options are referenced above in Exhibit A and in Question A.5. (page 2).
Nothing herein constitutes legal advice.