

EASTERN BAND OF CHEROKEE INDIANS
TRIBAL EMPLOYMENT RIGHTS OFFICE



APPLICATION
FOR
TERO VENDOR CERTIFICATION

EASTERN BAND OF CHEROKEE INDIANS
TRIBAL EMPLOYMENT RIGHTS OFFICE



Memorandum

To: TERO Vendor Applicant
From: TERO Staff
Subject: TERO Vendor Certification Application

Thank you for applying to have your business TERO-certified!

Deadline. Your complete application must be turned in ten (10) calendar days prior to the monthly Commission meeting, which are normally held every third Thursday of the month. Commission meeting date: _____

Turn in application by: _____

New Vendor Applicants. A \$100 application fee for each trade you seek to be certified in is required to be paid at the Department of the Treasury before applications will be processed. Please include your receipt in the application package. Once approved, you are required to pay an additional \$100 certification fee. Cherokee Code, ch. 92-18. Please provide 5 complete copies in the format described on the Application Checklist.

Re-Certification Applicants. Applicants seeking to be re-certified as a TERO vendor are required to pay \$175 for each trade you seek to be certified in. Please include your receipt in the application package.

Certification. If approved, your business will be entitled to Indian preference for Tribal contracts and are required to follow the *preference requirements and responsibilities* as contained in the Cherokee Code, Chapter 92 – Tribal Business Preference Law that can be found on the [Municode](#) website.

One certification requirement is that your business has been operational on Tribal land or in the 5-county service area for at least two years. If your business does not meet this requirement, a waiver may be granted by the Commission if it determines:

- (a) Owner has a minimum of two years of recent experience;
- (b) Owner has a level of business management experience, as determined by the Commission, to present a reasonable chance for success of the business and

(c) Owner has a “potential for success”.

Priorities. To be certified as a **Priority 1 firm**, an economic entity must have its principal place of business on trust land in the counties of Jackson, Swain, Graham, Macon or Cherokee Counties and be at least 51% owned and controlled by an enrolled member of the EBCI

To be certified as a **Priority 2 firm**, an economic entity shall be at least 51% owned and controlled by a member of the EBCI with its principal place of business located off of trust land

To be certified as a **Priority 3 firm**, an economic entity shall be at least 51% owned by a member of a federally recognized Tribe with its principal place of business located on or off trust land

Fillable PDF. We have reformatted this application as a fillable PDF so that you can fill it out on your computer. You may also fill it out on paper. We are happy to provide it to you in either or both ways upon your request.

If you have any questions regarding the application or would like to speak with someone about the application or the TERO program, please contact Director Terri Henry at 828.359.6540 or terrhenr@nc-chokeee.com or any Compliance Officer:

- Jacob Crowe at 828.359.6544 or jacocrow@nc-chokeee.com
- Jim Panther at 828.359.6543 or jamepant@nc-chokeee.com

We look forward to reviewing your application and working with you.

Sgi

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APPLICATION FOR CERTIFICATION

Name *Title*

Name of Business

Mailing Address

Physical Address

Business Phone *Mobile Phone*

Fax *Email Address*

Tribal Affiliation and Enrollment Number (please attach copy)

PLEASE LIST ALL OWNER(S): NAMES, ADDRESS, TRIBAL AFFILIATION (IF ANY) % OWNERSHIP
(If the business has more than one owner, you will need to submit a copy of your Articles of Incorporation.)

_____	_____
_____	_____
_____	_____
_____	_____

BUSINESS STRUCTURE:

☐ Sole Proprietorship ☐ Partnership ☐ Corporation
☐ Other (please specify): _____

AREA OF CERTIFICATION:

Refer to the North American Industry Classification website: <https://www.census.gov/eos/www/naics/>
(If unsure, please work with assigned TERO Compliance Officer to determine area(s).)

1) _____

2) _____

3) _____

Eastern Band of Cherokee Indians
TRIBAL EMPLOYMENT RIGHTS OFFICE

BUSINESS INFORMATION

Total number of owners: _____

Federal ID No.: _____

Total % of American Indian ownership: _____

Total # of employees: _____
(attach list of names, job duties and enrollment status)

Date business established: _____

Has your business ever been denied TERO-certification?

☐ Yes

☐ No

LOCATION OF BUSINESS:

- *To be certified as a Priority 1 firm, an economic entity must have its principal place of business on trust land in the counties of Jackson, Swain, Graham, Macon or Cherokee Counties and be at least 51% owned and controlled by an enrolled member of the EBCI.*
- *To be certified as a Priority 2 firm, an economic entity shall be at least 51% owned and controlled by a member of the EBCI with its principal place of business located off of trust land.*
- *To be certified as a Priority 3 firm, an economic entity shall be at least 51% owned by a member of a federally-recognized Tribe with its principal place of business located on or off trust land.*

Has your business operated on tribal land or in the five-county services area of the Eastern Band of Cherokee Indians for at least two years? ☐ Yes ☐ No

If NO, where is your business located? _____
Physical Address, include County

WAIVER. If your business does not meet the location requirement, the Tribal Employment Rights Commission may issue a waiver. *Are you requesting a waiver?* ☐ Yes ☐ No

A waiver may be granted when the Commission determines:

- (a) Owner has a minimum of two years of recent experience;*
- (b) Owner has a level of business management experience to present a reasonable chance for success of the business; and*
- (c) Owner has a "potential for success".*

WHAT SERVICES/GOODS DOES YOUR BUSINESS PROVIDE?

Eastern Band of Cherokee Indians
TRIBAL EMPLOYMENT RIGHTS OFFICE

BUSINESS MANAGEMENT, QUALIFICATIONS & ASSETS

IDENTIFY PERSONS RESPONSIBLE FOR DAY-TO-DAY MANAGEMENT INCLUDING FINANCIAL, MARKETING & SALES, PERSONNEL, SUPERVISION, LEGAL:

LIST ALL LICENSES, TRAINING AND CERTIFICATION HELD BY OWNERS AND EMPLOYEES:
(Use attachment if necessary.)

LIST THREE BUSINESS REFERENCES:

(Please attach letters of recommendation; references should be from individuals that have received services from your business.)

	<i>Name</i>	<i>Title</i>	<i>Business Name</i>	<i>Address</i>	<i>Phone No.</i>
1)	<hr/>				
2)	<hr/>				
3)	<hr/>				

LIST THREE MAJOR PROJECTS PERFORMED WITHIN THE PAST TWELVE MONTHS:

	<i>Project Name</i>	<i>Location</i>	<i>Contact</i>	<i>Address</i>	<i>Phone No.</i>
1)	<hr/>				
2)	<hr/>				
3)	<hr/>				

LIST MAJOR BUSINESS EQUIPMENT/ASSETS POSSESSED: *(Use attachment if necessary.)*

<i>Equipment Description</i>	<i>Quantity</i>	<i>Owned or Leased?</i>
<hr/>		
<hr/>		
<hr/>		

Eastern Band of Cherokee Indians
TRIBAL EMPLOYMENT RIGHTS OFFICE

Certification Application Checklist

Your application package is considered complete when the documents contained in the list below are included and bound according to the Application format provided below. Please submit 7 copies of the bound application package to the TERO Compliance Officers.

Please ensure that you have provided the following required documentation with this application.

- ☐ Copy of Tribal enrollment card
- ☐ Tribal business license
- ☐ Business plan
- ☐ Three reference letters *(from individuals that you have provided services)*
- ☐ Bank signature card
- ☐ Proof of insurance *(which meet Tribal standards)*
- ☐ Applicable licenses
- ☐ Application fee receipt
- ☐ Tax returns for the last two (2) years
- ☐ Background check of all owners (non-Indian and Indian) which includes licensing history, criminal history, debt and credit history and litigation involving the economic entity and its principals as defendants.
- ☐ Articles of Incorporation.

Application Format. Please ensure your application package is bound and that each section is tabbed. You may bind the application in a 3-ring binder or GBC binding. Each tabbed section must be labeled.

Eastern Band of Cherokee Indians
TRIBAL EMPLOYMENT RIGHTS OFFICE

COMPLIANCE AGREEMENT

I, _____, owner of _____, agree to maintain certification of and compliance with the TERO Ordinance and to the following terms and conditions:

- 1) Utilize the Tribal Job Bank and employ, train, and retain as may EBCI enrolled members as possible; and
- 2) Develop, implement, and maintain a safety plan in accordance with OSHA safety standards; and
- 3) Obtain an updated TERO certification list and contract with other TERO-certified vendors for contract and procurement opportunities for my business; and
- 4) Keep the TERO office informed of *any and all* changes of my business (including but not limited to management and location)
- 5) Attend all training session(s) offered by TERO; and
- 6) Project the highest degree of professionalism and sound business practices at all times, including but not limited to:
 - Establishing positive working relationships with procuring entities
 - Responding promptly to contract and procurement opportunities in compliance with required specifications
 - Maintaining adequate insurance and listing TERO as a secondary holder
 - Maintaining a business structure that enhances the intent and integrity of the TERO.
- 7) Comply with TERO Ordinance and policies and procedures.

Printed Name

Business Name

Signature

Date

Eastern Band of Cherokee Indians
TRIBAL EMPLOYMENT RIGHTS OFFICE

INDIVIDUAL ACKNOWLEDGEMENT

State of _____

County of _____

On this, the _____ day of _____, 20____ before
me, _____, the undersigned Notary Public
for _____ County, personally appeared:

Print Name(s) of Signor(s): _____

- ☐ Personally known to me; or
☐ Proved to me on the basis of satisfactory evidence

To be the person(s) whose name(s) is/are subscribed to the within statement, and
acknowledged to me that he/she/they executed the same for the purposes therein
stated.

Witness my hand and official seal.

Notary Public: _____
Signature

Print Name: _____

My commission expires: _____

Place Notary Seal and/or Stamp Above

Eastern Band of Cherokee Indians
TRIBAL EMPLOYMENT RIGHTS OFFICE

FOR OFFICE USE ONLY

Information verified by: _____ Date: _____

- ☐ Copy of Tribal enrollment card
- ☐ Tribal business license
- ☐ Business plan
- ☐ Three reference letters (from individuals that you have provided services)
- ☐ Bank signature card
- ☐ Proof of insurance (which meet Tribal standards)
- ☐ Applicable licenses
- ☐ Application fee receipt
- ☐ Background check of non-Indian owner which includes licensing history, criminal history, debt and credit history and litigation involving the economic entity and its principals as defendants

Action on Certification: ☐ Approved ☐ Denied ☐ Tabled

on _____
Date

Notes: _____

