

TERO REGULATIONS

Adopted October 17, 2011
Amended October 30, 2014
Amended September 4, 2015
Amended October 2, 2016



TERO REGULATIONSⁱ

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TERO REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

33.1.1 Purpose

- .01 These regulations shall only apply to Title 33 (Tribal Employment Rights), and shall not, except as specifically provided otherwise herein, apply to any other Titles.
- .02 These regulations shall be liberally construed and applied to promote:
 - (a) The certification of businesses for Indian Preference.
 - (b) The registration of a Business Applicant in a specific business area for a type of good or service.
 - (c) To make registration categories consistent with the licensing procedures in the state where the Business Applicant is located and/or where the work/services are being performed and/or provided.

33.1.2 Definitions

Unless otherwise indicated, capitalized terms shall have the meaning ascribed within the Title 33 (Tribal Employment Rights) of the Tribal Code.

- .01 *Business Applicant* shall mean the business entity applying for Indian Preference certification.
- .02 *Certified Business* shall mean the business entity certified by the TERO Office for Indian Preference and assigned at least one registration category in a business area.
- .03 *Construction Contractor* shall mean both General Construction Contractors and Construction Subcontractors.
- .04 *Fitness* shall mean the demonstration of a business that it has the experience, capability, and equipment needed to perform in a registration category.

- .05 *Licensure* shall mean a current license in good standing from the Alabama or any other state covering a specific type of good or service.

CHAPTER 2 CERTIFICATION OF BUSINESSES

33.2.1 Generally

- .01 The Tribal Employment Rights Office (“TERO Office”) shall certify a Business Applicant if the TERO Office is satisfied that the business entity applying for certification as follows:
- (a) Meets the definition and criteria for a Tribal Business, 100% Tribal Member Business, 51% Tribal Member Business, Indian Business, or Mentorship; and
 - (b) The Business Applicant is capable of being registered in a general business category as recognized in the TERO Regulations.
- .02 A business shall not be deemed TERO-certified unless the Business Applicant meets all of the requirements set forth by these TERO Regulations.
- .03 The burden of proof shall be upon the Business Applicant to establish that it meets the definition and criteria for a Tribal Business, 100% Tribal Member Business, 51% Tribal Member Business, Indian Business, or Mentorship.

33.2.2 Initial Application for Tribal Businesses

- .01 The following information shall be requested on the applications for certification of Tribal Businesses:
- (a) *History of Applicant’s Business*
 - (i) Name of business.
 - (ii) Type of business.
 - (iii) Mailing and physical address of business with driving directions.
 - (iv) Date business was established.

- (v) Primary business activities.
- (b) *Corporate Governance*
 - (i) Identification of board of directors and officers
- (c) *Registration for Business Areas for Goods and Services*
 - (i) Identification of the categories in which the Business Applicant believes that it is capable and qualified to be registered.
 - (ii) Identification of all employees who have a license or certification which is required in order for the Business Applicant to legally perform activities within the requested registration categories.
 - (iii) A list of continuing education completed by any current key employee within the past two years which are applicable to the requested registration categories.
 - (iv) For each requested registration category, a list of contracts and/or subcontracts performed within the past two years.

.02 Documentation to be Submitted with the Initial Application:

- (i) The Tribal charter, ordinance, or resolution establishing the Business Applicant as a business of the Poarch Band of Creek Indians.
- (ii) Copy of IRS Entity Identification Number assignment or a W-9 signed by an authorized officer or director.
- (iii) Resume of all current key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
- (iv) Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and education to manage a business engaged in the requested registration categories.

- (v) Copies of all necessary licenses and certifications held by any employee of the Business Applicant that may be required in order to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, and state licenses.
- (vi) Any other documentation required by the TERO Office to complete the certification process.

33.2.3 Initial Application for Business Applicants Other Than Tribal Businesses and Mentorships

.01 The following information shall be requested on the applications for certification of all Business Applicants other than Tribal Businesses and Mentorships:

- (a) *History of Applicant's Business*
 - (i) Name of business.
 - (ii) Type of business.
 - (iii) Mailing and physical address of business with driving directions.
 - (iv) Date the business was established.
 - (v) Primary business activities
 - (vi) Method of acquisition of business.
 - (vii) Number of years Indian(s) has been the owner.
 - (viii) Duration of Indian(s) owners' ownership interest.
 - (ix) Existence of Business Applicant under different ownership, as different type of business, or under a different name.
- (b) *Corporate Governance*
 - (i) Identification of board of directors and officers if the Business Applicant is a corporation or limited liability company.

- (ii) Identification of registered agent for service of process if the Business Applicant is a corporation or limited liability company.
- (iii) Date of last shareholder or member meeting if the Business Applicant is a corporation or limited liability company.
- (iv) A list of all payments made to non-Indian owner(s), including, but not limited to, salaries, wages, contract labor payments, management fees, and rental fees.

(c) *Investments and Contributions*

- (i) Each owner's education, knowledge and experience in the same or similar area of business.
- (ii) The amount of investment by each owner.
- (iii) A list of total debt owed by the Business Applicant to lenders which are not financial institutions and the uses of any loan proceeds.
- (iv) A list of all assets of the Business Applicant to include date purchased and purchase price.

(d) *Day-to-Day Activities*

- (i) List the gross receipts for the current year-to-date.
- (ii) A list of all employees with each employee's job description, designation of the employee as full-time or part-time, salary, and designation of Tribal Member or Indian status.
- (iii) Identification of management personnel.
- (iv) Identification of any other business that the Business Applicant relies on for management functions or employee payroll.
- (v) A list of the number and types of clients or customers for the previous calendar year.
- (vi) Identification of routine uses of business personnel to market and sell goods and/or services.

(vii) Identification of consistent marketing and/or sales to various consumers other than the Tribe.

(e) *Outside Interest*

(i) Identify any management or supervisory functions that an owner, director, or officer performs for any other businesses.

(ii) Identify any ownership or management interest of any of the owners, directors or officers in any other business that has a relationship with the Business Applicant.

(iii) Identify any management personnel who perform management or supervisory functions for any other businesses.

(iv) Identify any ownership or management interest of any management personnel in any other business that has a relationship with the Business Applicant.

(f) *Registration for Business Areas for Goods and/or Services*

(i) Identification of the categories in which the Business Applicant believes that it is capable and qualified to be registered.

(ii) Identification of all owners and employees who have a license or certification which is required in order for the Business Applicant to legally perform activities within the requested registration categories.

(iii) A list of continuing education completed by any owners and current key employees within the past two years which are applicable to the requested registration categories.

(iv) List of current inventory for all retail business

(v) For each requested registration category, a list of contracts and subcontracts performed within the past two years.

.02 Documentation to be Submitted with the Application:

(a) *All Business Applicants*

All Business Applicants shall submit:

- (i) Complete personal tax returns for past two years for each owner, including the Schedule C, if such Schedule is part of the return. If this is a new business, all available returns shall be submitted.
- (ii) Copies of bank signature cards for loans and checking accounts for all accounts owned by the Business Applicant.
- (iii) Copies of W-2's issued the previous year to all owners and current key employees. All social security numbers for all owners and current key employees shall be redacted.
- (iv) Copies of 1099's issued the previous year to subcontractors.
- (v) Copies of all insurance policies for the Business Applicant that are currently in-force, including, but not limited to, general liability policies, professional liability policies, worker's compensation insurance policies, and automobile policies.
- (vi) Copies of documents relative to each owner's method of investment (e.g., capital, equipment, real property, loan, or similar assets). This may include bank statements to show canceled checks or transfers from personal accounts to the Business Applicant's account; personal loan documents and documentation of contribution to business; and copies of title to equipment, both before the transfer to the Business Applicant and after transfer.
- (vii) Copies of the Business Applicant's bank statements for past 3 months for all accounts, or if the Business Applicant is a new business, copies of the Business Applicant's bank statements from the time the bank account was opened to the present. All statements shall show the cancelled checks.
- (viii) A current balance sheet.

- (ix) Any supporting documentation for assets purchased for the current year.
- (x) Any titles and/or tax assessments for assets, if such documentation exists for the assets.
- (xi) Copies of current equipment leases, if any, and proof of payment of those leases.
- (xii) Copies of all necessary licenses and certifications held by any owner and employee of the Business Applicant that may be required in order for the Business Applicant to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, and state licenses.
- (xiii) Resume of all owners and all current key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
- (xiv) Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
- (xv) At least one (1) recommendation letter from a prior employer and/or client relative to the Business Applicant's qualifications and skills in each of the requested registration categories. This recommendation may not come from the Tribe or a Tribal entity.
- (xvi) Any other documentation required by the TERO Office to complete the certification process.

(b) *Partnerships*

In addition to the documentation in subsection (a) above, partnerships shall also submit the following:

- (i) Partnership agreements.

- (ii) Copy of IRS Entity Identification Number assignment or W-9 form signed by the Indian owner.
- (iii) Partnership tax return (Form 1065) including the partners' Schedule K-1 for past two years, or if a new business, all returns available from date opened to present.

(c) *Corporations*

In addition to the documentation in subsection (a) above, corporations shall also submit the following:

- (i) Recorded Articles of Incorporation or other organization document and bylaws.
- (ii) Minutes for past year, or if a new business, since inception.
- (iii) Copies of any resolutions affecting ownership.
- (iv) Copy of all stock certificates issued or voided.
- (v) Copy of IRS Entity Identification Number assignment or W-9 form signed by the Indian owner.
- (vi) Corporate tax return (Form 1120/1120S) for past two years, or all returns available from date opened to present. S Corporation tax return to include partners Schedule K-1.

(d) *Limited Liability Companies*

In addition to the documentation in subsection (a) above, limited liability companies shall also submit the following:

- (i) Recorded Articles of Organization, Certificate of Formation, or other organizational document which shall include list of members.
- (ii) Copy of the Operating Agreement.
- (iii) Minutes for past year, or if a new business, since inception.

- (iv) Copy of IRS Entity Identification Number assignment or W-9 form for the Indian owner.
- (v) Documentation of how LLC is taxed.
- (e) *Indian Business owned by other federally recognized tribes*

In addition to the documentation in subsection (a) above, Indian Business owned by other federally recognized tribes shall also submit the following:

- (i) The Tribal charter, ordinance, or resolution establishing the Business Applicant as a business of the Tribe.
- (ii) Copy of IRS Entity Identification Number assignment or W-9 form signed by an authorized officer or director.

33.2.4 Evaluation of Application for Certification of All Business Applicants; Special Rules for Brokers, Manufacturing Companies, and Mentorship Applicants

.01 The TERO Director shall exercise broad discretion in reviewing the application and supporting documents in order to preserve the integrity of the Indian Preference program. If the TERO Director has any question as to the Business Applicant's fulfillment of one of the requirements, the TERO Director may deny the application.

.02 The TERO Director will evaluate the application for certification based on factors, including, but not limited to, ownership, management control, and integrity of the structure.

.03 Ownership

(a) *Formal Ownership*

The business entity shall prove its claim that the Indian(s) owns at least 51% of the business entity. Therefore, according to the organic documents:

- (i) The Indian(s) shall own at least 51% of the assets and equipment of the business entity and shall be entitled to receive at least 51% of the assets upon dissolution.

- (ii) The Indian(s)'s 51% or more ownership of the business entity shall provide him or her with a majority of the voting rights or other decisional authority, and all decisions of the business entity shall be made by a majority vote except where otherwise required by law.

(b) *Value*

The business entity shall prove that the Indian(s)'s contributions, both financial and experiential, are real and substantial.

- (i) Contribution of capital, equipment, real property, space, patents, or copyrights shall be evaluated to determine whether a significant financial investment has occurred.
- (ii) "Real value" will not be found if the Indian(s) purchased his or her ownership share, directly or indirectly, through a promissory note, the ultimate creditor of which is the non-Indian owner of the firm or an immediate relation thereof, or any similar arrangement, unless a convincing showing can be made that the Indian owner(s) brought such special skills, marketing connections, or similar benefits to the business that there is good reason to believe the arrangement would have been entered into even if there were no Indian preference program in existence.
- (iii) The Indian(s)'s irreplaceable expertise may be credited towards required contribution only if it is of outstanding quality, critical to the business entity's operations, and indispensable to the business entity's potential success. Expertise will be considered in light of the totality of all relevant circumstances and counted only if accompanied by a clearly documented financial contribution.

(c) *Profit*

The business entity shall prove that the Indian owner(s) will receive 51% or more of all profits. There shall not be any provision in any documentation that gives the non-Indian owner a greater share of the profits, in whatever form and under whatever name, such as through management fees, equipment rental fees, or bonuses tied to profits.

.04 Management Control

The business entity must prove that one or more of the Indian owners is substantially involved, as a senior level official, in the day-to-day management of the business entity or that the business entity is the Indian(s) primary employment activity, unless

(a) *Exception #1*

- (i) The business is 100% Indian owned;
- (ii) The CEO is the spouse and/or parent of the Indian owner and is substantially involved in the day-to-day management of the business entity;
- (iii) The CEO's family lives on the reservation or within the Tribe's service area; and
- (iv) The majority of employees are Indian if it is customary and usual for a business entity of this type and size to employ more than the Indian owner(s) and/or family members of the Indian owner(s).

(b) *Exception #2*

The business is modeled on a publicly-held corporation such that:

- (i) It is owned by 10 or more persons;
- (ii) Is at least 70% Indian-owned;
- (iii) The CEO and the highest-salaried employee in the business is/are Indian; and
- (iv) A majority of the employees are Indian if it is customary and usual for a business entity of this type and size to employ more than four (4) employees, whether full-time or part-time.

.05 Integrity of the Structure

- (a) If the TERO Office has good reason to believe that the business entity was established solely or primarily to take advantage of the Indian preference program, then the business entity shall not be certified.
- (b) If the business entity was originally owned by a non-Indian(s) and the non-Indian(s) remains involved in the business entity in any capacity, the Indian(s) must demonstrate that the transfer of ownership and control to the Indian(s) was made for reasons other than obtaining certification.

33.2.5 Brokers

.01 In addition to meeting the requirements of 33.2.1, a Business Applicant seeking certification as a Broker must also show at least one of the following:

- (a) The Business Applicant must own, operate, or maintain a store, warehouse, or other establishment in which commodities being supplied are bought, kept in stock, and sold to the public in the usual course of business; or
- (b) If the Business Applicant does not own, operate, or maintain a store, warehouse, or other establishment in which commodities being supplied are bought, kept in stock, and sold to the public in the usual course of business, then the Applicant must demonstrate that it is customary and usual in the requested registration categories for a broker/dealer not to maintain an establishment and to keep the commodities in stock.

33.2.6 Manufacturing Companies

.01 In determining whether or not a manufacturing company is fifty-one percent (51%) Indian-owned and controlled, the TERO Office shall be guided by the Small Business Administration Standard Operating Procedures on certifying companies as eligible for the 8(a) program.

33.2.7 Mentorships

.01 Any Business Applicant may seek certification of a mentorship with a non-Indian business for a particular project.

.02 Application for Mentorship Certification

The following information shall be requested on the application for certification of a mentorship:

(a) *Information about the Non-Indian Business*

- (i) Name of business.
- (ii) Type of business.
- (iii) Mailing and physical address of business with driving directions.
- (iv) Date business was established.
- (v) Primary business activities.
- (vi) Identification of board of directors and officers if the non-Indian Business is a corporation or limited liability company.

(b) *Project*

- (i) Identification for which the Mentorship is being formed.
- (ii) Explain the anticipated professional benefit that the Certified Business will obtain from the mentorship.

(c) *Investments and Contributions*

- (i) The Certified Business' and the non-Indian Business' knowledge and/or experience with similar projects.
- (ii) The amount of capital that each party to the mentorship will invest in the project;
- (iii) Identification of all employees that each party to the mentorship will use in the project with each employee's job description, designation of the employee as full-time or part-time, salary, and designation of Tribal Member or Indian status.
- (iv) Identification of management personnel for the project.

- (v) Identification of assets that each party to the mentorship will use in the project.
- (d) *Registration for Business Areas for Goods and/or Services*
 - (i) Identification of the categories in which the mentorship believes that it is capable and qualified to be registered.
 - (ii) Identification of all owners and employees who have a license or certification which is required in order for the mentorship to legally perform activities within the requested registration categories.
 - (iii) A list of continuing education completed by any owners and current key employees within the past two years which are applicable to the requested registration categories.
 - (iv) For each requested registration category, a list of contracts and/or subcontracts performed within the past two years by each party to the mentorship.

.03 Documentation to be Submitted with the Application

- (a) The mentorship agreement, detailing the management, operation, and fee arrangements for the mentorship.
- (b) Copies of all necessary licenses and certifications held by any owner and employee of either party that may be required in order for the mentorship to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, and state licenses.
- (c) Resume of all owners and current key employees for either party that demonstrate experience and education to manage a business engaged in the requested registration categories.
- (d) Copies of personal certifications from state, college, technical school or local agencies for any owners and key employees of both parties

demonstrating experience and education to manage a business engaged in the requested registration categories.

- (e) No less than one (1) recommendation letters from prior employers and/or clients relative each party to the mentorship's qualifications and skills in each requested registration categories. This recommendation letter may not come from the Tribe or a Tribal entity.
- (f) Any other documentation required by the TERO Office to complete the certification process.

.04 Evaluation of Mentorship Application

- (a) The mentorship must be customary and usual in the area of trade.
- (b) The TERO Director shall exercise broad discretion in reviewing the application and supporting documents in order to preserve the integrity of the Indian preference program.

33.2.8 Continuing Duty to Comply With Certification Requirements

- .01 Each Certified Business shall maintain compliance with all certification requirements at all times during the solicitation, evaluation, and award of contracts.
- .02 Each Certified Business shall report in writing to the TERO Office any changes in its responses to the initial certification application, annual reports, and/or supporting documents within thirty (30) days after such changes have occurred.
- .03 Reportable changes shall include any item which has bearing on the Certified Business's ownership, management control, and integrity of structure.
- .04 Certified Businesses are required to report to the TERO Office within ten (10) calendar days, the addition of, loss of or renewal of any types of licenses. All businesses must have a current license to be eligible for any bid award.

33.2.9 Recertification

- .01 No earlier than 90 calendar days but no later than 60 calendar days prior to the expiration of the certification, each Certified Business shall submit an Annual Report, which shall be an update of the information provided in its initial

certification application, and/or previous annual reports, and/or supporting documents.

- .02 The Annual Report shall be used to determine if the Certified Business is certified for the next calendar year. The Annual Report shall also determine in which categories the Certified Business will be registered for the next calendar year.
- .03 Failure to file an Annual Report or meet certification requirements shall constitute grounds for denial of recertification for Indian Preference.
- .04 The Annual Report shall include:
 - (a) Identification of any changes to the board of directors or officers if the Certified Business is a corporation or limited liability company.
 - (b) Identify any changes to management personnel time that have occurred since the initial application or last annual report.
 - (c) Identify any other business that the Certified Business relies on for management functions or employee payroll if the Certified Business did not use such a business at the time of the initial application or the last Annual Report.
 - (d) Identify any management or supervisory functions that an owner, director, or officer performs for any other businesses that did not exist at the time of the initial application or the last Annual Report.
 - (e) Identify the following types of relationship with the Business Applicant that did not exist at the time of the initial application or last annual report:
 - (i) Ownership or management interest of any of the owners, directors or officers in any other business;
 - (ii) Management personnel who perform management or supervisory functions for any other businesses; and/or
 - (iii) Ownership or management interest of any management personnel in any other business.
 - (f) Identification of any new categories in which the Business Applicant believes that it is capable and qualified to be registered. For each new requested registration category, a list of contracts or subcontracts

performed since the time of initial application or the last Annual Report shall be provided.

- (g) Certification that all owners and employees who had a license or certification required to legally perform activities within the requested registration categories still have the license or certification and are still affiliated with the business entity.
- (h) The most recent Business Personal Property Tax Return.

.05 Documentation to be Submitted with the Application

- (a) Complete personal tax returns including the Schedule C, if such Schedule is part of the return, filed since the initial application or the last annual report.
- (b) If the Certified Business is a partnership, partnership tax return (Form 1065) including the partners' Schedule K-1, filed since the initial application or the last Annual Report.
- (c) If the Certified Business is a corporation, corporate tax returns (Form 1120/1120S) filed since the initial application or the last Annual Report.
- (d) Copies of W-2's issued to all owners and current key employees since the initial application or the last Annual Report. All social security numbers for all owners and current key employees shall be redacted.
- (e) Copies of all 1099's issued to all subcontractors since the initial application or the last Annual Report.
- (f) Copies of all insurance policies that are currently in-force, including, but not limited to, general liability policies, professional liability policies, worker's compensation insurance policies, and automobile policies.
- (g) Copies of any new or amended equipment leases, if any.
- (h) For corporations and limited liability companies, minutes since the initial application or last Annual Report.

- (i) For corporations, copies of any resolutions affecting ownership and copies of all stock certificates issued or voided since the initial application or the last Annual Report.
 - (j) Copies of all necessary licenses and certifications held by any owner and employee that may be required in order for the Business Applicant to legally perform activities in the requested registration categories. This may include, but is not limited to, a business license, a sales tax number, and state licenses.
 - (k) Updated resume of all owners and all current key employees demonstrating experience and/or education to manage a business engaged in the requested registration categories.
 - (l) If the business is requesting a new certification category, copies of personal certifications from state, college, technical school or local agencies for any owners and key employees demonstrating experience and education to manage a business engaged in the requested registration categories.
 - (m) If the business is requesting a new certification category, no less than one (1) recommendation letters from prior employers and/or clients relative to the Business Applicant's qualifications and skills in each of the requested registration categories. This recommendation may not come from the Tribe or a Tribal entity.
 - (n) Any other documentation required by the TERO Office to complete the certification process.
- .06 For all Certified Businesses other than Mentorships, the Annual Reports shall be evaluated using the same criteria and standards outlined in Section 33.2.4 above. All Annual Reports for Mentorships shall be evaluated using the same criteria and standards outlined in Section 33.2.5 above. If any Certified Business fails to meet any of the criteria or standards, then the business shall not be re-certified.
- .07 Failure to file an annual report pursuant to this Section shall constitute grounds for TERO Director to move for withdrawal of certification pursuant to Section 33-2-8 of the TERO Title.

33.2.10 Receipt Upon Submission of Initial Application or Annual Report

- .01 Upon receipt of the initial application or Annual Report, the TERO Office shall provide a receipt to the Business Applicant or Certified Business which shall include the name of the Business Applicant or Certified Business and the date and time that the initial application or Annual Report was received by the TERO Office. The receipt shall be signed by the TERO Director or other authorized TERO personnel.
- .02 The receipt does not confirm that the application or Annual Report is complete and does not waive the TERO Office's right to request additional information and documentation.
- .03 Confidentiality of Information and Documentation
 - (a) The receipt shall also acknowledge that any information provided on the initial application or Annual Report and all accompanying documents, including financial information and documents, are confidential and shall not be disclosed by the TERO Office to any third party other than the directors, officers, and employees or agents of the TERO Office. However, the TERO Office shall have no obligation to preserve any confidential information which:
 - (i) Is or becomes publicly available by methods other than unauthorized disclosure;
 - (ii) Is received from a third party whose disclosure does not violate any confidentiality obligation; or
 - (iii) Is disclosed pursuant to the requirement or request of a governmental agency or court of competent jurisdiction to the extent such disclosure is required by a valid law, regulation or court order.

(b) *Use of Information and Documentation.*

All information and documentation, whether or not confidential in nature, may be used:

- (i) In the certification and registration process;

- (ii) In any investigation initiated by TERO Office or by a complaint that is filed with the TERO Office, whether or not such investigation or is relative to certification or registration; and
- (iii) In any hearing or appeal which is authorized by the TERO Ordinance and is before an administrative body or court of competent jurisdiction, whether or not such hearing or appeal is relative to certification or registration.

33.2.11 Withdrawal of Certification

- .01 The TERO Director shall initiate withdrawal proceedings:
 - (a) If, based on (a) any information provided in any required reports, (b) a written grievance filed by any other business or person, (c) any information acquired during an investigation, audit, or other proceeding conducted by the TERO Office, and/or (d) suspension or debarment by the Tribal Regulatory Commission, the TERO Director has any reasonable question as to a Certified Business's fulfillment of one of the requirements for certification.
 - (b) If the Certified Business fails to fail a report which is required under these regulations or the Tribal Employment Rights Ordinance or comply with a request for information issued by the TERO Office pursuant to these regulations or the Tribal Employment Rights Ordinance.
- .02 The TERO Director shall send the business notice by registered mail that its certification is being examined, along with the grounds therefore. The business shall have seven (7) business days to submit a written response to the notice and the grounds for questioning its certification with any supporting documentation.
- .03 The Certified Business shall cooperate in all respects with the TERO Office's examination of the certification and shall provide the TERO Director with any requested information within fourteen (14) calendar days of such request. Failure to provide any requested information shall constitute grounds for the TERO Director issue a finding in favor of withdrawal of the certification.
- .04 If the withdrawal for certification is pursuant to Section 1.8.1(a), the TERO Director shall evaluate all information available in accordance with the factors and standards set forth in Section 1.4. Based on the evaluation, the TERO Director shall prepare an analysis regarding whether the business continues to meet the eligibility requirements for certification. If the business no longer meets

the eligibility requirements, then the TERO Director shall either withdraw or suspend certification.

.05 If the withdrawal for certification is pursuant to Section 1.8.1(b), the TERO Director shall prepare an analysis detailing whether the business continues to meet the eligibility requirements for certification and whether the business willfully failed to file a report or comply with a request. If the TERO Director finds that the business willfully failed to file a report or comply with a request or that the business still meets the eligibility requirements, then the TERO Director shall either withdraw or suspend certification.

.06 The TERO Director shall send the business by registered mail a copy of the determination of withdrawal or suspension with supporting documentation.

.07 Appeal

(a) A business has five (5) business days to appeal any determination of withdrawal or suspension of certification to the Tribal Regulatory Commission.

(b) The hearing shall be held within fourteen (14) business days of the appeal.

(c) At the hearing, the TERO Director shall have the burden of proof by the preponderance of evidence to explain why the withdrawal or suspension is justified.

(d) At the hearing, the TERO Director shall present the case for suspension or withdrawal, and the business shall have the opportunity to present evidence in support of its eligibility for certification.

(e) After the hearing, the Commission may either:

(i) Withdraw certification;

(ii) Suspend certification for up to one year;

(iii) Place the business on probation; and/or

(iv) Order corrective action be taken within a fixed period.

- (f) The Tribal Regulatory Commission's decision shall be final and binding and not subject to any further appeal.

.08 Period of Ineligibility

- (a) A business that has had its certification withdrawn may not reapply for certification of that business for a period of one year.
- (b) For a period of one year following withdrawal of certification, any owner of a business that had its certification withdrawn may not apply for certification of any new business unless that new business would not be registered in any of the same registration categories that the business that had its certification withdrawn was registered.

CHAPTER 3
TYPES OF REGISTRATON CATEGORIES FOR BUSINESS CERTIFICATION

33.3.1 Generally

.01 Registration categories of business areas are established in conformity with Alabama's classification and licensure requirements. Classification and licensure requirements for other states may vary and will be evaluated accordingly to determine applicable registration categories. The available registration categories of commercial construction, residential construction, and vendor goods and/or services are defined as follows:

- (a) Commercial Construction:
 - (i) The Business Applicant must have a Commercial Construction license or other professional license issued by an appropriate state or other entity authorized to issue such license.
 - (ii) \$50,000 and Over: In Alabama, the Business Applicant must be state licensed in the area of business for commercial construction \$50,000 and over including materials and labor. Fitness is established by licensure.
 - (iii) Under \$50,000: In Alabama, the Business Applicant must have a County/City license and/or professional license/certificate in the area of business for commercial construction under \$50,000 including materials and labor. The Business Applicant licensed by

a County/City must also meet the Fitness requirements in accordance with the Rules and Regulations for Unlicensed Goods and Services as set forth in these TERO Regulations.

(b) Residential Construction:

- (i) The Business Applicant must have a Home Builders License or other professional license issued by an appropriate state or other entity authorized to issue such license.
- (ii) Alabama's Home Builders Licensure Board issues licenses for residential construction and other entities provide licenses in other construction areas \$10,000 and over including materials and labor. Fitness is established by licensure.
- (iii) The Business Applicant must have a County/City business license in Alabama for residential construction under \$10,000 including materials and labor. Businesses licensed by a County/City must also meet the Fitness requirements in accordance with the Rules and Regulations for Unlicensed Goods and Services as set forth in these TERO Regulations.

(c) Vendor Goods and/or Services:

- (i) The Business Applicant must have a State/County/City business license in the area of good and/or services. Businesses licensed by a County/City must also meet the Fitness requirements in accordance with the Rules and Regulations for Unlicensed Goods and Services as set forth in these TERO Regulations.

.02 The burden of proof shall be upon the Business Applicant to establish its Fitness in particular categories of business areas for goods and/or services.

.03 If a Certified Business obtains additional licenses, the Certified Business may request additional registration category(ies) upon the submission of a request to the TERO Office as follows:

- (a) A Certified Business may request additional registration categories to be added to their Certificate at any time during the certification period.

- (b) The Certified Business must complete a Registration Category Request Form provided by the TERO Office and provide all documents to support the addition of registration category(ies).
- .06 A Business Applicant seeking registration for a particular category of business shall include and submit all required documentation to the TERO Office on a form provided by the TERO Office. The TERO Office will be available to assist a business in completing the form, request such additional information as it believes appropriate, and conduct such investigations as it deems appropriate. The Legal Department and other applicable program areas may assist the TERO Office with review of any and all documentation supporting an application and/or registration.

33.3.2 Evaluating Fitness for Licensed Goods and/or Services

- .01 When evaluating Fitness, the Certified Business meets the Fitness requirement if the Certified Business provides construction services and has a Licensure in the area of business for construction services.
- .02 When evaluating Fitness, the Certified Business meets the Fitness requirement if the Certified Business provides any proposed goods and services that require Licensure by the relevant jurisdiction where the business is located.
- .03 Current License
 - (a) With regard to goods and services provided by a Certified Business within the geographic boundaries of Alabama or any other state, if a Business Applicant has a current license in good standing covering specific type of goods or services, then the Business Applicant shall be registered by the TERO Office for that specific type of good or service, but such registration is subject to the limitations and restrictions of said license.
 - (b) If Alabama or the other state requires a license for the providing a particular good or service in the State of Alabama or within the other state's borders, and a Business Applicant lacks such license, then such Business Applicant shall be not meet the Fitness requirement, and shall be denied Registration by the TERO Office with regard to that specific type of good or service.

.04 License Restrictions Applied

With regard to goods or services which require Licensure as a prerequisite for providing such goods or services, any limitations or restrictions imposed by the license shall likewise restrict and be imposed on the Business Applicant's registration with regard to that specific type of good or service.

.05 Lapse of License

The lapse, revocation, cancellation, or termination of any license upon which registration is granted by the TERO Office shall result in the simultaneous termination of a Certified Business' registration with regard to goods and services covered by the license.

.06 Confirmation of State and Business License

- (a) The TERO Office may contact any state board (or other entity) that issues licenses in that state with regard to verification that a Business Applicant holds a current license covering a particular good or service with regard to such state.
- (b) The TERO Office may rely upon any information provided by a state board (or other entity) that issues licenses in that state with regard to verification that a Business Applicant holds a current license covering a particular good or service with regard to such state.
- (c) The inability of the TERO Office to verify a current and valid license from a state board (or other entity) that issues licenses required to provide a particular good or service within such state shall be prima facie evidence that a Business Applicant does not meet the Fitness requirement for certification.

33.3.3 Evaluating Fitness for Unlicensed Goods and/or Services

.01 If no license is required by the state or other jurisdiction in which the Certified Business providing the goods and services is located, then the TERO Office shall evaluate whether the structure, finances, equipment arrangements, management and other factors are ones that are consistent with normal and customary business practices in that business area.

.02 The TERO Office will reject any business whose factors indicate that the business' structure is so atypical for a business in that area that it is likely the

business was created to or is seeking work in a business area in order primarily to take advantage of Indian preference and not as a business that has the potential to be a successful Indian business over the long term in general or in that business area.

33.3.4 Commercial Construction Categories of Business Areas for Goods and/or Services – *Registration Categories 33.3.4. through 33.3.14 apply to construction \$50,000 and over. Registration Categories 33.3.5 through 33.3.14 apply only to construction under \$50,000.*

In conformity with Alabama’s classification and Licensure of Construction Contractors, all Construction Contractors providing construction services in Alabama shall be classified by the TERO Office in accordance with the following major classifications:

- .01 Building Construction: This shall include the construction of building structures, including modifications thereof or additions thereto, intended for use for shelter, protection, comfort or convenience. Building construction shall include the excavation and foundations for buildings and work incidental thereto.
- .02 Building Construction under Four Stories (BCU4): This shall include the construction of building structures, including modifications thereof, that do not exceed three stories in height, and any roof structure or component of such structure does not exceed fifty feet in height, which are intended for use for shelter, protection, comfort or convenience. BCU4 shall include the excavation and foundations for buildings and work incidental thereto for buildings less than three stories in height. BCU4 shall include interior nonstructural alterations and repairs to existing buildings exceeding three stories in height. In addition to the above, BCU4 shall include the construction of building structures, including modifications thereof exceeding three stories in height on projects but only under the direction and supervision of a General contractor or Construction Manager licensed under Building Construction.
- .03 Highways and Streets: This shall include the construction of roads, streets, guardrails, fences, parkways, parking areas, bridges, grading, drainage and all other types incidental thereto.
- .04 Municipal and Utility: This shall include clearing, grubbing, paving, curbs, gutters, walks, alleys, driveways, sewer projects, water projects, gas projects, electric projects, telephone projects and work incidental thereto.

- .05 Heavy and Railroad Construction: This shall include the construction of railroads, bridges, foundations, pile driving, cofferdams, tunnels, drainage projects, irrigation projects, hydro-electric development, transmission lines, pipe lines, marine construction, runways and any other work incidental to the above types.
- .06 Specialty Construction: This is defined as any work in connection with construction, erection, alteration, modifications or additions requiring special skills and/or trades or crafts for any particular part of the work, and work incidental thereto.

33.3.5 Building Construction Speciality Construction (BC-S)

In conformity with Alabama's classification and Licensure of Construction Contractors, in lieu of the major classification of Building Construction, a business may be licensed under any of the following specialities.

- .01 Sitework: Earthwork, Fencing, Other
- .02 Concrete: Foundations, Structural Concrete Erection, Reinforcing Steel, Precast and Prestressed Concrete Installation, Other
- .03 Masonry: Restoration, Other
- .04 Metal: Structural and Miscellaneous Steel Erection, Ornamental and Miscellaneous Metal, Metal Studs, Other
- .05 Carpentry: Framing, Millwork and Finish Carpentry, Other
- .06 Moisture Protection: Roofing and Sheet Metal, Sheet Metal and Metal Siding, Metal building erection, Insulation, Exterior Insulation and Finish Systems, Sprayed on Fire Proofing, Joint Sealers, Other
- .07 Doors, Windows and Glass: Glass Windows and Doors, Specialty Door and Hardware, Glazed Curtain Wall, Other
- .08 Finishes: Painting and Wall Coverings, Special Coatings and Waterproofing, Sandblasting, Terrazzo, Hard Tile and Stone, Carpet and Resilient Tile, Lath and Plaster, Drywall and Metal Studs, Acoustical Treatments and Insulation, Other
- .09 Specialty: Building Accessories, Other

- .010 Equipment: Kitchen Equipment, Theater and Stage, Millwright, Other
- .011 Furnishings: Furniture Installation, Millwork and Casework, Windows Treatments, Auditorium and Theater Seating, Bleachers, Other
- .012 Special Construction: Pre-engineered Metal buildings, Conveying, Elevators and Escalators, Handicap Lifts, Other
- .013 Other: Building Maintenance Repair, Remodeling and Alteration

33.3.6 Highways and Streets Specialty Construction (HS-S)

In conformity with Alabama's classification and Licensure of Construction Contractors, in lieu of the major classification of Highways and Streets, a business may be licensed under any of the following specialties.

- .01 Guardrails
- .02 Fencing
- .03 Bridges
- .04 Earthwork
- .05 Drainage and Culvert
- .06 Hot and Cold Asphalt Plant Mix Paving
- .07 Asphalt Surface Treatment
- .08 Concrete Pavement
- .09 Base and Soil Stabilization
- .010 Erosion Control/Mowing
- .011 Grassing
- .012 Grinding, Grooving or Milling
- .013 Traffic Control and Safety
- .014 Painting, Sandblasting, and Bridge Repair
- .015 Steel (all classes)
- .016 Other

33.3.7 Municipal and Utility Speciality Construction (MU-S)

In conformity with Alabama's classification and Licensure of Construction Contractors, in lieu of the major classification of Municipal and Utility, a business may be licensed under any of the following specialties.

- .01 Sewer Projects
- .02 Water Projects
- .03 Gas and Oil Projects

- .04 Power Projects and Plants
- .05 Telecommunication Projects
- .06 Clearing and Grubbing
- .07 Site Work Grading
- .08 Drainage and Culvert
- .09 Paving and Asphalt
- .010 Concrete
- .011 Pipelines
- .012 Guniting
- .013 Facilities
- .014 Other

33.3.8 Heavy Railroad Specialty Construction (H/RR-S)

In conformity with Alabama's classification and Licensure of Construction Contractors, in lieu of the major classification of Heavy/Railroad, a business may be licensed under any of the following specialties.

- .01 Foundations, Piling, and Cofferdams
- .02 Retaining Walls
- .03 Tunnels
- .04 Drainage, Irrigation, and Flood Control Projects and Dams
- .05 Marine Construction
- .06 Industrial Projects
- .07 Oil and Gas Field Projects
- .08 Dredging
- .09 Guniting
- .010 Slurry Walls
- .011 Membrane Liners
- .012 Runways
- .013 Other

33.3.9 Swimming Pools (SP)

In conformity with Alabama's classification and Licensure of Construction Contractors, a business may be licensed for the construction, repair or renovation of swimming pools and work incidental thereto.

33.3.10 Mechanical (M)

In conformity with Alabama's classification and Licensure of Construction Contractors, a business may be licensed for Mechanical or may request specific sub classifications such as the following specialties.

- .01 Heating, Ventilating and Air Conditioning
- .02 Plumbing
- .03 Refrigeration
- .04 Fire Protection Systems
- .05 Pollution Control
- .06 Industrial Pipe Work and Insulation
- .07 Boiler and Refractory Construction Maintenance and Repair
- .08 Other

33.3.11 Electrical (E)

In conformity with Alabama's classification and Licensure of Construction Contractors, a business may be licensed for Electrical or may request specific sub classifications such as.

- .01 High Voltage (120 and up)
- .02 Low Voltage
- .03 Substations
- .04 Other

33.3.12 Demolition (D)

In conformity with Alabama's classification and Licensure of Construction Contractors, a business may be licensed for Demolition.

33.3.13 Environmental (EV)

In conformity with Alabama's classification and Licensure of Construction Contractors, a business may be licensed for Environmental or may request specific sub classifications such as.

- .01 Environmental Remediation
- .02 Abatement
- .03 Reclamation
- .04 POL Dispensing System
- .05 Landfills

33.3.14 Other Specialities (SC)

A business may be licensed for Other Specialities such as.

- .01 Golf Course
- .02 Tennis Courts
- .03 Running Tracks

- .04 Landscaping
- .05 Fencing
- .06 Sprinkler Systems
- .07 Outdoor Advertising Signs
- .08 Cell Towers
- .09 House Moving
- .010 Others

33.3.15 Residential Construction Categories of Business Areas for Goods and/or Services – *Registration Categories 33.3.15.01 applies to construction over \$10,000. Registration Categories 33.3.15.02 applies to construction under \$10,000.*

In conformity with the State of Alabama Homebuilder Licensure Board, all contractors providing residential construction in Alabama shall be classified by the TERO Office in accordance with the following classifications:

.01 \$10,000 and Over

- (a) Unlimited Home Builders License - All residential construction related to a single family dwelling which may include, but not be limited to, building a new home or remodeling an existing home.
- (b) Limited Structural Home Builders License – Single trade/structural residential construction to a single-family dwelling, which may include, but not be limited to, foundation, framing.
- (c) Limited Non-Structural Home Builders License - Single trade/non-structural residential construction to a single-family dwelling, which may include, but not be limited to, siding, sheetrock, roofing.

.02 Under \$10,000

All residential construction to a single-family dwelling under \$10,000 with the proper City or County license.

33.3.16 Categories of Business Areas For Vendor Goods and/or Services

A Business Applicant may be registered in any of the following broad categories and also provided a certificate of certification specifically listing the primary business activities to be performed. If something requires license under construction then it must fall under commercial or residential construction services.

- .01 Agriculture, Forestry, Fishing and Hunting: This may include, but not be limited to, crop production; beef cattle ranching and farming, including feedlots; all other animal production; forestry and logging; support activities for crop production; support activities for animal production; support activities for forestry; and farm management services.
- .02 Architectural and Structural Metals Manufacturing: This may include, but not be limited to, ornamental and architectural metal products manufacturing; ornamental and architectural metal work manufacturing; sheet metal manufacturing; plate work manufacturing; fabricated structural metal manufacturing; prefabricated metal building and component manufacturing; and metal window and door manufacturing.
- .03 Machine Shops and Metal Hardware, Tools, and Machine Manufacturing: This may include, but not be limited to, machine shops; precision turned product manufacturing; hardware manufacturing; screw, nut, and bolt manufacturing; metalworking machinery manufacturing; machine tool (metal cutting types) manufacturing; machine tool (metal forming types) manufacturing; special die and tool, die set, jig, and fixture manufacturing; cutlery and hand tool manufacturing; hand and edge tool manufacturing; saw blade and handsaw manufacturing; and powder metallurgy part manufacturing.
- .04 Other Fabricated Metal Product Manufacturing: This may include, but not be limited to, industrial mold manufacturing; forging and stamping; iron and steel forging; metal stamping; metal can, box, and other metal container manufacturing, and any other metal manufacturing.
- .05 Gaming Equipment Manufacturing: This may include, but not be limited to, Class II or Class III gaming equipment manufacturing; gaming device manufacturing; gaming device component manufacturing; and equipment ancillary to gaming devices manufacturing.
- .06 Other Manufacturing: This may include, but not be limited to, any other manufacturing not included in this Section.
- .07 Printing: This may include, but not be limited to, commercial lithographic printing; commercial gravure printing; commercial flexographic printing; commercial screen printing; quick printing; digital printing; manifold business forms printing; other commercial printing; and support activities for printing.

- .08 Automobile Dealers and Automotive Parts and Accessories Retailers
- .09 Furniture and Home Furnishing Retailers: This may include, but not be limited to, furniture stores, floor covering stores, and window treatment stores.
- .010 Food and Beverage Retailers: This may include, but not be limited to, grocery stores; supermarkets; convenience stores; specialty food stores; meat markets; fish and seafood markets; fruit and vegetable markets; beer, wine, and liquor stores; tobacco stores.
- .011 Health and Personal Care Retailers: This may include, but not be limited to, pharmacies; drug stores; optical goods stores; cosmetic and beauty supply stores; health food supplement stores.
- .012 Gasoline Stations and Fuel Dealers: This may include, but not be limited to, gasoline stations with or without convenience stores; heating oil dealers, and liquefied petroleum gas (bottled gas) dealers.
- .013 Office Supplies and Stationary Retailers: This may include, but not be limited to, any writing materials, such as paper, envelopes, pens, ink, rulers.
- .014 Clothing Retailers: This may include, but not be limited to, suppliers of clothing goods and/or services to consumers.
- .015 Casino and Gambling Retailers: This may include, but not be limited to, suppliers of equipment ancillary to Class II or Class III gaming devices; suppliers of implements of Class II or Class III gaming activities such as playing cards and dice; and other goods, services or concessions which are only used in connection with Class II or Class III gaming activities..
- .016 ATM and Vending Machine Operators: This may include, but not be limited to, coin or card-operated machines that dispense currency or sell tangible personal property.
- .017 Transportation and Warehousing: This may include, but not be limited to, local and long-distance general freight trucking; local and long-distance specialized freight trucking; and motor vehicle towing.
- .018 Information: This may include, but not be limited to, periodical publishers; directory and mailing list publishers (includes compiling mailing lists in

conjunction with providing direct mail advertising services); sound recording industries; record production; sound recording studios; and telephone-based recorded information services.

- .019 Finance and Insurance: This may include, but not be limited to, portfolio management; investment advice; insurance and employee benefit funds; health and welfare funds; consumer lending; investment banking and securities dealing; securities brokerage; other financial investment activities; insurance agencies and brokerages; claims adjusting; third party administration of insurance and pension funds; cash management services; and money counting machines.
- .020 Real Estate and Rental and Leasing: This may include, but not be limited to, real estate agents and brokers; real estate property managers; lessors of residential buildings and dwellings; lessors of nonresidential buildings; lessors of miniwarehouses and self-storage units; lessors of RV and mobile home lots; and real estate appraisers.
- .021 Equipment Rental and Leasing: This may include, but not be limited to, truck, utility trailer and RV rental and leasing; home health equipment rental; recreational goods rental; and commercial and industrial machinery rental and leasing.
- .022 Legal Services: This may include, but not be limited to, offices of lawyers; offices of notaries; title abstract and settlement offices; and all other legal services.
- .023 Accounting, Tax Preparation, Bookkeeping, and Payroll Services: This may include, but not be limited to, services provided to manage, prepare, record, and/or audit financial files for the day-to-day operation and management of a business.
- .024 Architectural, Engineering, and Related Services: This may include, but not be limited to, architectural services; landscape architectural services; engineering services; drafting services; and building inspection services.
- .025 Geophysical Surveying and Mapping Services: This may include, but not be limited to, surveying and mapping; geophysical surveying and mapping; and testing services.
- .026 Specialized Design Services: This may include, but not be limited to, interior design services; industrial design services; graphic design services; computer systems design; and computer facilities management services.

- .027 Advertising, Public Relations, and Related Services: This may include, but not be limited to, direct mail advertising; advertising agencies; public relations agencies; media buying agencies; display advertising; advertising material distribution services; marketing research and public opinion polling.
- .028 Other Professional, Scientific, and Technical Services: This may include, but not be limited to, any other specialized services not included in this Section. .
- .029 Administrative and Support Services: This may include, but not be limited to, employment services; employment placement agencies; executive search services; temporary help services; document preparation services; telephone call centers; telephone answering services; collection agencies; repossession services; travel agencies; tour operators; investigation and security services; security system services; armored car services; locksmiths; exterminating and pest control services; janitorial services; landscaping services; and carpet and upholstery cleaning services.
- .030 Waste Management and Remediation Services: This may include, but not be limited to, waste collection; waste treatment and disposal; hazardous waste treatment and disposal; remediation services; and septic tank and related services.
- .031 Educational Services: This may include, but not be limited to, computer training; exam preparation and tutoring; sports and recreation instruction; and automobile driving instruction.
- .032 Health Care and Social Assistance: This may include, but not be limited to, offices of physicians; offices of dentists; offices of optometrists; offices of mental health practitioners; offices of other health practitioners; family planning centers; kidney dialysis centers; home health care services; ambulance services; psychiatric and substance abuse hospitals or facilities.
- .033 Arts, Entertainment, and Recreation: This may include, but not be limited to, musical groups and artists; nature parks and other similar institutions; agents for artists, athletes, entertainers, and other public figures; museums; amusement arcades; casinos; golf courses; fitness and recreational sports centers; and bowling centers.
- .034 Accommodation and Food Services: This may include, but not be limited to, hotels; motels; casino hotels; RV parks and recreational campgrounds; rooming and boarding houses; full-service restaurants; limited-service eating places and

restaurants; cafeterias; grill buffets; buffets; snack and nonalcoholic beverage bars; caterers; mobile food services; and alcoholic drinking places.

- .035 Automotive Repair and Maintenance: This may include, but not be limited to, general automotive repair; automotive body, paint, and interior repair and maintenance; automotive oil change and lubrication shops; automotive glass replacement shops; and car washes.

33.3.17 Amendments to the Categories of Business Areas

- .01 The Tribal Regulatory Commission reserves the right to amend the categories of business areas for goods and/or services.
- .02 Any amendment to the categories of business areas for goods and/or services will be through the rulemaking process outlined in Section 33-2-3 of Title 33 (Tribal Employment Rights) of the Tribal Code.
- .03 If an amendment eliminates the registration category in which a Certified Business is registered, then the Certified Business may request registration in any newly created categories or categories that were revised by the amendment.
- .04 If an amendment adds a new registration category, then any business that is certified and registered in any category at the time of the issuance of the notice of the proposed rulemaking action that creates the new registration category may request registration in the newly created category.

CHAPTER 4

PUBLICATION OF CERTIFIED BUSINESS LIST AND REGISTRATION CATEGORIES

33.4.1 Publication

The TERO Office shall periodically publish a comprehensive list of all Certified Businesses; however, in no event, shall the list be published no less than quarterly by January 15, April 15, July 15, and October 15, respectively.

- .01 The list shall include the contact information for the Certified Business and all categories in which the Certified Business has been registered.
- .02 The comprehensive list of all Certified Businesses shall also include an index listing all of the businesses within each established registered category.

33.4.2 Distribution

The list shall, at a minimum, be distributed to the Tribal Chair's Executive Team made up of Executive Employees and Division Directors the Tribal Government Procurement Officer; all directors, presidents, and chief executive officers for the tribal authorities and commissions; all general managers and site managers for any tribally-owned business or entity; and all procurement officers or equivalent positions for any tribal authority, commission, and tribally-owned business or entity.

33.4.3 Registration Category Notification

- .01 If the TERO Office certifies a new business or registers a Certified Business for an additional registration category prior to the publication of a new comprehensive Certified Business list, the TERO Office shall, at a minimum, notify those individuals listed in Section 33.4.2.
- .02 The notification shall include the name of the Certified Business, the contact information and the registration category(ies) in which the Certified Business has been registered.

ⁱ Regulation History

TERC Board Resolution 2011-01, September 16, 2011 (Notice of Proposed Rulemaking Action Regarding Certification and Registration of Businesses was approved by the TERO Commission).

TERC Board Resolution 2011-02, October 17, 2011 (TERO Regulations promulgated and adopted on October 17, 2011 by the TERO Commission).

TERC Board Resolution 2014-01, September 24, 2014 (Notice of Proposed Rulemaking Action for TERO Regulations - Certification and Registration TERO Regulations was approved by the TERO Commission).

TERC Board Resolution 2014-02, October 30, 2014 (TERO Regulations regarding Certification was promulgated and amended by the TERO Commission).

TRC Board Resolution 2015-01, August 4, 2015 (Notice of Proposed Rulemaking Actions for Title 33 - TERO Regulations Regarding Registration was approved by the Tribal Regulatory Commission).

TRC Board Resolution 2015-02, September 4, 2015 (Final TERO Regulations were amended by approval of the Tribal Regulatory Commission).

TRC Board Resolution 2016-01, July 26, 2016 (Notice of Proposed Rulemaking Action for TERO Regulations Regarding Registration Categories was approved by the Tribal Regulatory Commission).

TRC Board Resolution 2016-02, August 31, 2016 (Approve Final TERO Regulations Regarding Registration Categories was approved by the Tribal Regulatory Commission).