



New Mexico Small Business Development Center Program Policy and Procedure Manual

May 14, 2024

Preface

This manual provides guidance to the Small Business Development Center (SBDC) Program funded staff. It is aligned with several other key New Mexico Small Business Development Center (NMSBDC) documents including the cooperative agreements with our SBDC Service Centers and what is entitled our Foundational Documents (Business Plan, the annual Statewide Business Plan, Measures and Definitions). This manual is also aligned with our Professional Development Program. Collectively these documents make up the NMSBDC Program policies and procedures and the other documents may be simply referenced within this manual for the specific guidance rather than repeating the guidance within this manual as the other guidance is subject to frequent change.

The policies written or referred to in federal law, circulars, and other related governing documents supersede all prior verbal agreements, exceptions, rules and/or policies of the NMSBDC. Therefore, all SBDC Program funded staff must be familiar with these requirements. See the SBDC Service Center Cooperative Agreement for a listing of applicable federal laws, regulations and policies.

It is important to note that due to ongoing changing program guidance this manual is a living breathing document and subject to frequent change by the Lead Center. Rather than printing this manual, please always use the latest version uploaded to the nmsbdc.org intranet. The cover page and the footer identify the latest version.

This manual will use several titles/terms repeatedly, therefore, will be referenced as follows:

Host Institution of SBDC contracted Service Center(s) = institution(s)

Host Institution SBDC contracted Service Center Cooperative Agreement = cooperative agreement

SBDC contracted Service Center = center(s)

NMSBDC Centers = centers

SBDC contracted Service Center Director = Center Director

SBDC Program funded staff = staff

SBDC Program = Program

NMSBDC Program = Program

NMSBDC Program Policy and Procedures Manual = manual

NMSBDC Lead Center = Lead Center

NMSBDC Executive State Director = ESD

Americas Small Business Development Centers = ASBDC

Vision, Mission and Values – see Statewide Business Plan

Introduction

The purpose of the NMSBDC Program Policy and Procedures Manual is to help the staff understand the program, expectations, and individual responsibilities in administration, training and counseling at a center. These policies should aid in providing consistency

and compatibility in terms of services and operating issues for all centers. The NMSBDC places a heavy emphasis on continuous improvement, striving to constantly enhance service to our clients and the communities served. For that purpose, Lead Center encourages suggestions for improvements and active participation from all members of the network.

The Program is a partnership of the U.S. Small Business Administration (SBA), the State of New Mexico, and institutions that host centers. All of these educational institutions are members of the New Mexico Association of Community Colleges (NMACC) or New Mexico Independent Community Colleges (NMICC). The SBA federal charter has established requirements for the implementation of the Program in New Mexico and must ensure that the program complies with established operating procedures and regulations. The NMSBDC is a participating member of the national Association of Small Business Development Centers (ASBDC). The SBA has a congressional mandate to accredit all SBDC programs which it accomplishes through the ASBDC. Those accreditation guidelines also serve as a driver of Program policies and procedures. Under federal regulations, continued federal funding is contingent upon ASBDC accreditation.

History of SBDC's

National SBDC Program

The SBDC program, initiated in 1977, is a major delivery program managed by the Office of the Small Business Development Centers (OSBDC), created by authority of the Small Business Development Act of 1980, Title II of Public Law 96-302 as amended. The law as amended in 1995 requires that all new SBDC programs or changes in hosts must be to institutions of higher education. The most recent update is within 3 CFR Part 130 dated Feb. 13, 2024.

The Program is a partnership between the SBA and the state-endorsed organization NMSBDC receiving Federal assistance for its operation. In New Mexico, the state-endorsed organization is Santa Fe Community College (SFCC), which hosts the Lead Center and contracts with institutions to form the Network. The partnership is formalized with a cooperative agreement annually by the SBA and SFCC along with the ESD. The SBA financial award made to SFCC requires that non-federal funds be provided to the Program on a dollar-for-dollar match. SFCC is the recipient, and therefore the fiscal agent, for all contracts entered into by the Program.

The SBA OSBDC is responsible for oversight of the Program at its various organizational levels. Implementation of the Program upon completion and approval of the SBA/SFCC Cooperative Agreement rests with the ESD. NMSBDC is accountable to the SBA and to the State of New Mexico.

SBDC Program in New Mexico

The NMSBDC was officially established on July 1, 1989 as a joint project of the SBA, the New Mexico Association of Community Junior and Technical Colleges and the State of New Mexico.

The program is an expansion of the former “New Mexico Business Assistance Network” which was initiated in 1986 with State Vocational Education funding. The Business Assistance Center was transformed into the New Mexico SBDC, which grew to 21 full time SBDC Centers located throughout New Mexico. As of January 1, 2024, the program has developed into 19 full time centers, 1 full time SBDC satellite center and 8 part time SBDC satellite centers, the International Business Accelerator and the APEX Accelerator Program (formerly the Procurement Technical Assistance Center) with 6 offices located throughout the state. From 2015 through 2017 the 3 centers covering Sandoval and Bernalillo Counties were consolidated into a single center covering the greater Albuquerque/Rio Rancho area.

The initial expansion of the Program was made possible with federal funds from the SBA, combined with state funds from Vocational-Technical and Adult Education. Currently, the Program is funded through a grant from the SBA and an appropriation from the State of New Mexico. No in-kind or indirect funding is included in its budget formula.

The NMSBDC Lead Center is located at SFCC. This location was chosen due to its proximity to the state departments involved, as well as to Albuquerque and the SBA District Office. An ESD was hired as of July 1, 1989 to oversee the Program and to function as its coordinator. The Lead Center coordinates the program delivery throughout the Network and pursues and secures the funding. The Lead Center is also responsible for expanding the Program possibilities, taking the administrative and oversight role, and acting as liaison with its major funding partners such as the State of New Mexico and the SBA. The staff at the Lead Center including the APEX Accelerator staff are employees of SFCC.

STRUCTURE

Developing “Operational Excellence” within the legislative and structural boundaries of the SBDC requires a complete understanding of the Network structure. The Program is managed by the Lead Center located at SFCC. The first part of the NMSBDC Ecosystem consists of nineteen SBDC centers, each center operates under an institution and programmatically reports to the Lead Center. Staff at centers are employees of their respective institution. In 2009, the NMSBDC obtained a grant from the U.S. Defense Logistics Agency (DLA) with matching funds from the New Mexico Legislature to operate a Procurement Technical Assistance Center (PTAC) which in 2023 moved from DLA to the DoD Office of Small Business Programs and was renamed APEX Accelerator. The program’s state coordinator known as the APEX Program Manager reports to the ESD and/or the NMSBDC Director of Operations.

Organization Chart

The NMSBDC Organization Chart is [available](#) on the NMSBDC.org intranet.

NMSBDC Advisory Board

The Lead Center is required by the OSBDC to maintain a statewide advisory board. The Advisory Board Guidelines and the board members are **listed on** the NMSBDC.org website.

Oversight

Audits

The Program falls under *OMB Circular A-133: Audits of State and Local Governments and Non-Profit Organizations* and the OMB Circular 2CFR Part 220-Cost Principles for Educational Institutions and 2CFR Part 2115-Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other non-profit organizations. All centers also fall within these regulations as sub-grantees receiving federal awards from a pass-through entity to carry out a federal program. The Program and therefore centers must ensure that federal and state audit requirements are met.

Lead Center

SBDC Service Center Directors report directly to the Associate State Director that is assigned to either NMACC or NMICC according to which their institution is a part of for all contractual issues. The ESD, as an agent of SFCC (Lead Center host) is ultimately responsible for the fulfillment of the agreements with SBA and the State of New Mexico and carries all authority inherent in such responsibility according to federal guidelines. As the representative of the Program, the ESD negotiates program issues with SFCC and with both the SBA and the State of New Mexico.

The Lead Center is responsible for the overall management oversight, including financial and programmatic responsibilities. The Lead Center is required to evaluate programs in a thorough manner and ensure quality of service. It performs on site financial and programmatic reviews of all centers bi-annually to ensure compliance with guidelines set in the annual SBA's Notice of Award (NOA), Notice of Funding Agreement, Standard and Specific Terms and Conditions; and Federal Regulations, OMB Circulars and ASBDC Accreditation Standards. The review can occur at any time without advance notice (however, ample notice is given whenever possible). Problem areas will be communicated in writing to the Center Director by the ASD and/or the ESD. Should problems persist, the ASD and/or the ESD will meet with the Center Director and Center Director's direct supervisor from his or her host institution to plan corrective action. Failure to resolve the problem areas and comply with the corrective action plan may result in actions such as removal of database access and termination of the cooperative agreement with said institution. The reviews ensure that program procedures and activities comply with stakeholder programmatic and financial regulatory standards.

The Lead Center strives to maintain open communication with the centers to leverage resources and to identify opportunities, address network matters, and to implement feasible and practical solutions.

Obligations of the Lead Center required by both State and Federal Regulations:

- SBA requires demonstration of a systematic process for gathering and analyzing the quality and impact of counseling activity, and the relation of counseling activity to the Statewide Business Plan and client needs assessment.
- It must be an independent entity within the recipient organization. The SBDC must have a separate budget and identity.
- It must have its own full-time staff, including a full-time SBDC State Director. The ESD, by federal regulations, must have full budgetary control of all Program funding from all sources.
- The Lead Center must provide administrative services, coordination and reporting for the Network, including program development, program management, financial management, reports management, promotion and public relations, program assessment and evaluation, and internal quality control.
- The Lead Center must ensure statewide coverage and maintain the services and restriction on service outlined under federal guidelines and regulations. The ESD is the sole approval authority for determining all operating locations for services provided by the Network. It is required that the service delivery system, the mix of services (counseling, training, information dissemination, etc.) and its geographic coverage relates to the changing needs of the small business community.
- The Lead Center must be able to document that there is direct match funding from eligible sources into the program.
- The NMSBDC must demonstrate that it has internal systems and structures capable of overseeing and managing its budgets. The ESD must be in control of the Network's statewide budget and able to assure that program generated income is used in support of the Program. This requirement also applies to all Center Directors with respect to their local budget and program income.
- The ESD must demonstrate sufficient authority, communication and oversight over all centers as required by the annual cooperative agreement.
- The Lead Center must establish a written conflict of interest policy with enforceable elements and ensure that all staff, trainers and volunteers annually sign it. Our Program's Code of Conduct/Confidentiality/Conflict of Interest Form meets the requirement and (cooperative agreement Attachments N, O and P) must be maintained in-house at all offices and a copy **must be submitted** to the Lead Center as required by the cooperative agreement with each center. All staff is expected to adhere to the agreement and are subject to termination or defunding of their position if there is a failure to comply.

U.S. Small Business Administration (SBA)

The Program is partially funded by the SBA. The Program represents the SBA's largest service delivery network, and is responsible, in cooperation with the appropriate SBA District Offices, for developing programs and providing services that help to meet the economic development goals and objectives of the SBA. The Program reports to the OSBDC, Washington D.C. Project Manager.

The SBA Project Officer from the NM District office in Region 6 is responsible for reviewing, monitoring, and evaluating the Program. The SBA requires the Project Officer to make at least one review of each center bi-annually. A report is sent to the ESD with a request for response to any non-compliance areas. **Center Directors are required to notify the ESD of such visits and give their comments and concerns.**

The SBA's relationship with the Network is officially with the Lead Center and SFCC through a Cooperative Agreement. While the SBA does not have a formal relationship with centers, the New Mexico District Office SBDC Project Officer visits them and interacts with them on a periodic basis, with the knowledge and approval of the ESD.

The OSBDC at SBA's Central Office in Washington, D.C. is headed by the Associate Administrator for SBDCs. This office provides program announcements, application packages, renewal letters, and the NOA to SFCC. The OSBDC conducts periodic financial and programmatic reviews of the Lead Center and selected centers at their discretion. SBA may conduct audits and/or investigations or request independent audits and/or investigations by appropriate federal entities, as it deems necessary. The Office of Inspector General may conduct federal examinations or audits that include a review of Lead Center and center's programmatic and financial records.

The SBA Civil Rights Compliance (CRC) Division works to ensure compliance with nondiscrimination regulations by SBA recipients of Federal financial assistance and, with regard to individuals with disabilities, SBA Programs and Program Offices. To this end, CRC will conduct telephonic and on-site reviews of SBDCs and other SBA grantees to assess their civil rights compliance posture. SBDCs selected for review will be contacted directly by a CRC representative to schedule a convenient time for the review. When that contact is made, the CRC representative will answer any questions about the compliance review process. Once the review appointment is set, the CRC representative will send a letter confirming the date and time of the review and requesting that you provide certain information in advance of the review and also submit any other records you deem pertinent to your compliance civil rights requirements. Centers must notify the Lead Center immediately when a CRC representative contacts them.

Under the Cooperative Agreement between SFCC and the SBA, all centers and institutions are subject to review of any records at any time by regulation and SBA standard operating procedures. No center or institution may withhold requested information provided the information requested is within contractual or regulatory compliance.

State of New Mexico

A significant portion of the Program funding comes from the State through legislation and the Governor's actions. The Accountability Act of 1999 establishes guidelines and requires all state-funded organizations to participate in the accountability process identified by that law.

All institutions must complete annual audits as per state requirement. The Lead Center **acquires the audit report from the State Auditor's office and provides it with the annual**

application to the SBA.

Center Directors

Centers operate within the parameters of their host institutions' policies and procedures. Center Directors should meet with their institution's leadership to communicate the value of the Program to the institution and the State of New Mexico. In addition, Center Directors should ensure the institution's leadership understand the Program, keep them informed of how the center will accomplish the Statewide Business Plan 's Wildly Important Goals and the center's Deliverables (cooperative agreement Attachment A). Center Directors should seek opportunities to collaborate with their institution's academic programs and community outreach efforts to better serve the small business community in their assigned service area.

America's Small Business Development Centers

America's SBDC (ASBDC) is the association that represents America's nationwide network of Small Business Development Centers. The Lead Center is a paying member of the ASBDC. As a center, your staff may use the resources offered by the ASBDC including sponsor offers located at <https://americassbdc.org/resources/sponsor-offers/>, and resources located on the ASBDC membership page <https://americassbdc.org/members/>.

Prior to volunteering or participating in any ASBDC activities (i.e., events, committees, etc.) centers shall obtain written authorization from their assigned ASD and the ESD.

The NMSBDC is a member of the ASBDC and encourages staff to attend the annual conference (pending budget availability) and to take advantage of its services if funding is available. To learn more about the Association and Accreditation Standards visit their website at www.americassbdc.org. The Lead Center contributes a proportionate dues share to the ASBDC annually and participates in the annual national impact study. The ESD (or his/her delegate) has one vote towards Association action.

Governing Policies

Legislation

The national SBDC program was established by, and operates under, the provisions of the Small Business Act of 1980, as amended (Public Law 96-302). Title II of this Act authorizes the Small Business Development Center program. Title 15 USC, Chapter 14A, Section 648 states that after 1992, only institutions of higher education are eligible recipients of SBDC funding.

U.S. Small Business Administration "Notice of Award"

The annual SBA's Notice of Award regulates the activities of the NMSBDC as set forth in Section 21 of the Small Business Act (15 United State Code 648) and SBA's

regulations (13 Code of Federal Regulation part 130). Along with the Small Business Act, the Cooperative Agreement (31 USC 6305) and the current SBA Funding Opportunity establish the authority for the Recipient Organization (i.e., SFCC) to enter into contracts to create, manage and oversee centers. The Lead Center is responsible for execution of the contracts.

OMB Circulars

The Office of Management and Budget (OMB) is responsible for oversight of the SBA's procurement, financial management and regulatory policies. It assists with the President's budget and develops financial management and administrative policies for Federal agencies that govern all grants, cooperative agreements, and other agreements, with the exception of Federal contracts. OMB's system of communicating to agencies is through circulars and bulletins. Circulars provide information on administrative procedures and cost principles and are issued when the subject matter is of continuing effect. Bulletins are issued when the subject matter requires a single or one-time action or is transitory in nature (i.e.: directive on appropriations distribution under a Continuing Resolution). As stated in the OMB Circulars, costs must "reasonable, allocable and allowable." Cost circulars set definitions of allocability of direct costs and Facility and Administrative (F&A) costs or indirect costs. The Circulars define the allowable elements of costs such as salaries, benefits, equipment, supplies, etc. and also set requirements for time and effort reporting systems. The Program and centers are required to comply with Administrative Circular 2 CFR Part 215 the uniform administrative requirements for grants and agreements with institutions of higher education, and 2CFR part 220 cost principles for Educational Institutions, and OMB Circular A-133 audits of states local governments and other nonprofit organizations.

Federal Regulations:

The Code of Federal Regulations (CFR) codifies general and permanent rules published in the Federal Register by the agencies and executive departments of the Federal Government. The CFR contains regulations that detail how to function within the laws contained in the US Code. Every regulation in the CFR must have a law in force that requires the regulation. The CFR has 50 titles representing different subject areas. Within each title, there are chapters representing the issuing agencies. Each volume is updated every calendar year and republished once every four years. US Code 15 Section 648 authorizes CFR Title 13 Part 130 Small Business Development Center regulations. Title 13 applies to the Business Credit and Assistance; Parts 1-199 SBA applies to all recipients and sub-recipients of SBA funding. This refers to grants and loans of federal funds, grants or donation of federal property and interests of property. SBA will conduct periodic compliance reviews to survey the practices of recipients. SBA will investigate written complaints and efforts will be made to resolve the matter through informal means. If it is determined that the matter cannot be resolved, action will be taken against the assistance programs. Accordingly, staff members need to comply with the following federal regulations. CFR information relating to the following topics may be acquired from the NMSDC.org Intranet.

13 CFR Part 112- Discrimination on Basis of Race, Color, or National Origin
No person in the U.S. shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination by any business or other activity. For full regulation, please see: <https://www.gpo.gov/fdsys/pkg/CFR-2006-title13-vol1/pdf/CFR-2006-title13-vol1-part112.pdf>

13 CFR Part 117 - Discrimination On Basis of Age
No person in the U.S. shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any business or activity receiving federal financial assistance. Specific discriminatory actions prohibited include denying an individual any services, financial aid or other benefit provided by the business or other activity on the grounds of age, or limit persons in their efforts to assist in federally funded programs or treat an individual differently from others. For full regulation, please see: <https://www.gpo.gov/fdsys/pkg/CFR-2009-title13-vol1/pdf/CFR-2009-title13-vol1-part117.pdf>

13 CFR Part 147 – Government Wide Requirements for Drug-Free Workplace
For full regulation, please see: <https://www.gpo.gov/fdsys/pkg/CFR-2006-title13-vol1/pdf/CFR-2006-title13-vol1-part147.pdf>

13 CFR Part 136 - Discrimination on the Basis of Handicap
This federal regulation applies to all programs and states that no qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity. Services provided must be equal and as effective to gain the same benefit or to reach the same level of achievement as that afforded to others. Centers may not provide different or separate aid, benefits or service to individuals with disabilities than is provided to other individuals, unless such action is necessary to provide qualified disabled individuals with assistance as effective as those provided to others. SBA policy requires SBDCs to make modifications and accommodations, which do not fundamentally alter the program or activity or entail undue financial or administrative burdens, to enable otherwise qualified disabled individuals to participate. For practical purposes, centers should keep information on Braille/sign language translation services and have office space accessible to individuals with handicaps as part of their strategic plan to comply with these regulations. For full regulation, please see: <https://www.gpo.gov/fdsys/pkg/CFR-1998-title13-vol1/pdf/CFR-1998-title13-vol1-part136.pdf>

NMSBDC Operations

Service Requirements

The NMSBDC shall carry out the activities set forth in Section 21 of the Small Business Act (15 U.S.C. 648), SBA's Regulations (13 CFR Part 130), the current OSBDC Funding

Opportunity, and the current NMSBDC application proposal. Federal regulations require NMSBDCs to provide prospective and existing small businesspersons and entities with counseling, training and specialized services concerning the formation, financing, management and operation of small businesses. Services offered should be periodically assessed to keep pace with changing small business needs. To the extent possible, SBDCs should collaborate and partner with other federal, state, and local government programs assisting small business including SBA resource partners such as SCORE, Women's Business Centers and Veterans Business Outreach Center.

Federal regulations prohibit charging fees to clients for counseling services. However, centers may charge reasonable fees for services beyond the scope of normal counseling to recover the costs associated therein. However, staff are expected to develop efficient, yet effective, processes for interacting with clients. Centers are required to make accommodations in cases where a client has special needs. It is understood that centers are given a reasonable amount of time to make those accommodations.

Financial Packaging Assistance Guidelines

SBDCs are encouraged to provide counseling services that increase small business access to capital, such as business plan development, financial statement preparation and analysis and cash flow preparation and analysis.

SBDCs should help prepare their clients to represent themselves to lending institutions. While SBDCs may attend meetings with lenders to assist clients in preparing financial packages, they may not take a direct role in representing clients in loan negotiations. SBDCs should inform their clients that counseling assistance or financial packaging assistance does not guarantee receipt of a loan. SBDCs cannot make loans, service loans or make credit decisions regarding the award of loans.

SBDCs must not advocate, recommend approval or otherwise attempt in any manner to influence lenders to provide financial assistance to any of its clients. SBDCs may not charge fees for providing assistance for financial packaging. Providing any preferential treatment to clients of any specific lender is prohibited, as is the SBDC's acceptance of payment for the provision of counseling services.

Professional Services

SBDCs must not engage directly in the practices of law, accounting, bookkeeping or tax preparation. This includes, but is not limited to, using SBDC counselors to provide individual legal advice, represent a client in litigation or any legal proceeding, or otherwise practice law or accounting as defined by the State of New Mexico. SBDCs may provide information about general business and tax law. Clients needing more than general information should be referred to a listing of professional practices able to assist them through private consulting. SBA **requires centers to maintain lists** of local and regional private consultants to whom small businesses can be referred, or other documented methods to facilitate referral to the private sector. To avoid conflict of interest or the appearance of such, centers should not make specific recommendations.

Referral lists must include at least three choices (when possible) and include contact information.

Site Requirements

While it is recognized that each SBDC is a unique combination of resources, sponsors, and clients and therefore unique in its delivery of Program services, every center must meet minimum standards designed to ensure quality service to New Mexico's business community.

Office Space

Acceptable office space includes:

- Offices for the staff where he/she may provide confidential counseling.
- Center must ensure that its site is readily accessible to all business clients including handicapped.
- Adequate space for office supplies and equipment that offers reasonable security.

Program services should be as accessible as possible to the small business community and the general public (i.e., downtown areas, Chambers of Commerce, community colleges, community training centers, universities and colleges).

Signage

In addition, the center must display signage featuring both the SBA and the NMSBDC logos prominently at all facilities open to the public and which are used for program activities. Such signage must prominently feature the acknowledgement of the following statement of support: *"Funded in part through a Cooperative Agreement with the U.S. Small Business Administration"*

Appropriate signage will identify the facilities as a "Small Business Development Center" and must be clearly visible from the main road and/or parking area.

Office Equipment

To function smoothly and efficiently, a local center must maintain at minimum the following office equipment:

Copier - Reasonable access to a photocopier is required for client use. Centers may charge a nominal fee for client copies. The fee should be sufficient to cover all related expenses. It is important that proper institutional procedures exist for handling cash or check payments for on-site fees collected by the center.

Computer with access to the Internet, software and scanner - The center must acquire an office software package that contains word processing and spreadsheet components. The software should be compatible with Microsoft Office for ease in sharing files. The center will need access to a scanner for uploading client documentation and NMSBDC Program forms.

Securable Filing Cabinets – NMSBDC Program files, other than client files, must be kept in a secure filing cabinet or secured digital format. As of 8/1/2019 SBDC centers can no longer create client files in a paper format, and by 1/1/2020 all client files created prior to 8/1/2019 must be scanned and attached to the client's Neoserra record.

Hours of Operation

Your center shall be open to the public throughout the year during the normal business hours of your institution. In addition, provisions shall be made to provide evening and weekend assistance, both in your center and online, as appropriate to meet local community demands and needs.

Changes in your institution's normal business hours which will impact the center's operating hours shall be reported to the assigned ASD. as soon as is feasible, so that the SBA Project Officer and SBA OSBDC Program Manager can be notified.

Anticipated closures for your center location(s) may occur for institution holidays, institution professional development trainings, NMSBDC Network meetings, or NMSBDC Program statewide professional development training activities. The SBA OSBDC requires anticipated closures for center locations to be included in the SBA/SFCC cooperative agreement.

Emergency or un-anticipated closure of your approved center location(s) shall be reported to the assigned ASD by email as soon as is feasible, so that the SBA Project Officer and SBA OSBDC Program Manager can be notified.

In order to conduct business counseling and outreach to small businesses within your entire Designed Service Area, your SBDC Program funded staff may temporarily leave your center unattended during normal business hours. These occasional, short-term closures (less than a day), to provide key services and for outreach purposes do not require reporting to Assigned ASD.

Telephones

Centers are required to maintain publicly listed telephone numbers under the name of the center. To ease accessibility to clients, the publicly listed number should be a direct line to the center. Clients should not have to contact the host institution prior to reaching the SBDC center. Telephones should be answered at all times either by a person, answering machine, or a voice mail service.

All phone calls should be answered with a professional tone as follows:

“Thank you for calling the New Mexico SBDC at *Institution*, this is *Your Name* how may I help you?”

Use of Logos and Acknowledgments on Publications

Use of the ASBDC, NMSBDC, and the SBA logos must have prior approval from the Lead Center. This includes any printed and/or web materials, all marketing, advertising and training materials purchased or developed in any media.

ACKNOWLEDGEMENT OF SBA SUPPORT AND PUBLICATION REQUIREMENTS

It is important that clients and the general public are aware of center programs and the SBA’s role and taxpayer funded support for this program. Therefore, centers must include the following acknowledgement of support statement on all materials produced in whole or in part with program funds.

“Funded in part through a Cooperative Agreement with the U.S. Small Business Administration”

For purposes of this requirement, the term “materials” includes, but is not limited to, press releases, brochures, pamphlets, handouts, reports, advertisements, books, curricula, websites, video or audio productions, and similar items regardless of the medium employed. The term “materials” does not include stationery or business cards and the SBA’S logo may not be used on such items. The SBA logo can be found on the nmsbdc.org intranet. The SBA/SBDC partnership logo which appears below must be displayed in a prominent location on any publication:



Centers can only use the SBA logo found on the nmsbdc.org intranet and no alterations are permitted.

Publication Disclaimer:

Where the center uses program funds to produce materials featuring editorial content, the center must at minimum use the following alternate acknowledgement of support statement (either independently or in conjunction with the SBA logo):

“Funded in part through a Cooperative Agreement with the U.S. Small Business Administration. All opinions, conclusions and/or recommendations expressed are

those of the author(s) and do not necessarily reflect the views of the SBA.” (This can be printed in smaller type at the end/back of the publication.)

Funded in part through a Cooperative Agreement with the U.S. Small Business Administration. All opinions, conclusions and/or recommendations expressed are those of the author(s) and do not necessarily reflect the views of the SBA. All SBDC programs are extended to the public on a non-discriminatory basis. Reasonable accommodations for persons with disabilities and individuals with limited English proficiency (LEP) will be made if requested at least two weeks in advance. Contact the SBDC staff at xxx-xxx-xxxx or email SBDC@xxx.

Parking

Parking facilities must have an adequate number of parking spaces and may, as determined by the Lead Center, **require** reserved spaces for Program clients. These spaces should be in a well-lit area close to the center.

Prior Approval

Any of the following actions require prior approval from the ESD (also consult your cooperative agreement):

- (a) Changes in the scope or Deliverables as listed in Attachment A of the cooperative agreement.
- (b) Volunteering or participating in any ASBDC activities (i.e., events, committees, etc.).
- (c) Institution's entering into sub-grants or contracts in which Program funds are used and/or in where program performance is transferred to other parties.
- (d) The addition of budget line items not specified in the approved budget.
- (e) Any budget revision requests between line item cost categories must be submitted via a Request for Line Item Transfer (aka BAR).
- (f) All center requests for increased program funds must be submitted using a Supplemental Allocation Request.
- (g) Changes in Program funded staff.
- (h) Purchasing, transferring or disposing of a piece of equipment with an acquisition cost of \$10,000.00 or more purchased with program funds and not in the approved budget requires prior approval of the ESD and the SBA.
- (i) Travel outside the United States and its territories or unanticipated out-of-state travel not included in the approved budget. In-state travel that is outside of the center's Designated Service Area and not in the approved budget.
- (j) Requests for International or out-of-state travel not included in the approved budget must be submitted no less than 45 days prior to the travel date to the ASD for Grant Compliance review.
- (k) Use of the ASBDC, NMSBDC, and the SBA logos must have prior approval from their assigned ASD. This includes any and/or web materials.
- (l) Purchasing any printed items bought for marketing purposes (e.g., shirts, caps, etc.) using Program funds.

- (m) All marketing, advertising and training materials purchased or developed in any media.
- (n) All development and/or establishment of any social media or email marketing accounts associated with the Program. The Lead Center must have full access to all usernames and passwords of said accounts and administrative access/rights necessary to change passwords.
- (o) No files or records may be removed from the premises of any center without the prior written approval of the ESD and SBA.
- (o) The use of Program funds for minor renovations of an existing facility.
- (p) Changes of center's operating hours or closures outside of the institution's regularly established schedule or holidays.
- (q) Emailing any type of newsletters, workshop or event announcements, or 3rd party information to a client that does not fall in the category of counseling communication by the SBDC. Request for approval must be submitted to the assigned ASD no less than 10 business days before the center would like to send out the information to the public in order for adequate review to take place.
- (r) Centers are not permitted to establish teams, committees or boards made up of other center without direct written authorization from the ESD.

Failure to obtain prior approval for any of the above may result in a financial disallowance, suspension or termination of funding.

Staff, Staff Development and Standards of Conduct

Staffing Requirements

The minimum staff at each center is a Center Director. Unless otherwise stated in the institution's cooperative agreement, 100 percent of their time must be committed to the Program. Program staffing size and organizational structure is determined by the ESD.

Staff Orientation and Development

The Network's current orientation expectations are as follows:

Newly hired staff will go through an onboarding process that includes Program orientation normally within **90 days** after of the date of hire. This will **normally include 3 training days at the Lead Center with the ESD and the appropriate Lead Center staff.** Responsibility for institution orientation will rest with institution's and Center Directors.

The Lead Center requires each staff member to participate in professional development opportunities as part of the investment in human resources. The NMSBDC Professional Development Program is required for all staff. All counseling staff including Center Directors are expected to participate in professional development and are required to complete the NMSBDC **Certified Business Advisor Program** within the Program's guidelines. Professional development activities must be based upon the needs of the center's clients, local small businesses within their regions and align with the Statewide Business Plan. Center Directors should customize the **Part 3** PD Skill Certification

Program for their support personnel, in order to align their PD plan with their job responsibilities. Support personnel are encouraged to participate in requirements for counselors that are within **Part 3** Level 1 of the PD Plan.

Students/Interns

Where appropriate, a reasonable share of basic services can be provided by qualified students, including both undergraduate and graduate. However, students MAY NOT counsel Program clients independently without the prior approval of the ESD. Students may be utilized to support centers, including answering the phone, data entry, and other administrative functions. Either the Center Director or a business advisor approved by the Center Director must be present during one-to-one counseling.

Interns and students must sign volunteer Code of Conflict/Confidentiality/Conflict of Interest Form or Code of Conflict/Confidentiality/Conflict of Interest Form for SBDC Program Funded Staff if they are being paid before they are allowed access to any client information, including working with Neoserra. Time spent by students in preparation for a client (e.g., research, counseling, etc.) should be entered into Neoserra by the Center Director under the students name.

Recognizing the opportunity to leverage resources by using student team or classroom projects to provide in-depth research for small business clients, the Lead Center encourages centers to make arrangements with local institutions of higher learning. The Center Director is responsible for ensuring quality of service and information provided by student teams.

Student teams or classroom projects conducted by students must be fully supervised by faculty. The Center Director or the client's primary counselor must also review the work of the team for the client to ensure quality, timely, and useful information. Student teams or project members should not meet independently with the client without the supervision of a faculty member and the primary SBDC business counselor.

Center's cannot reimburse faculty for their time spent overseeing project(s).

Conflict of Interest/ Confidentiality/Code of Conduct See Cooperative Agreement, Attachment N, O, P

Center Director Responsibilities

Center Directors are responsible for all aspects of leadership and management of their center; ensuring compliance with all applicable laws, circulars and policies. Center Directors are expected to ensure their center aligns with the Statewide Business Plan and are expected to **employ all aspects of Baldrige Principles**. They are also expected to actively collaborate and partner with SBA Resource Partners and regional partners as approved by the ESD. Center Directors are responsible for developing and maintaining strong relationships with their institution leadership and local legislators.

No Competition/Cooperation Rule

Centers must maintain working relationships and open communication with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups in order to help address the various needs of the small business community. Centers should not seek to duplicate quality services provided by other legitimate organizations and programs within their service area, but rather cooperate and cross-refer clients. According to the SBA, there should be evidence of extensive networking, linkages, cooperation, and integration with the Chambers of Commerce, business and trade associations, economic development agencies, and other organizations. This is encouraged to avoid duplication of efforts and to foster broad development and delivery of small business assistance services. Programs shall not compete with the private sector, and they shall make every effort to avoid the appearance of such.

Programs may **utilize and compensate qualified small business vendors** to provide specialized services, where applicable and according to budgetary restraints. Most institutions have internal policies on this issue that must be complied with as well.

Restrictions on Lobbying

In accordance with regulations outlined in 13 CFR Part 146 - New Restrictions on Lobbying, the NMSBDC certifies that no Program funds are used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a specific contract, grant, loan, cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any of these transactions. Since all centers receive funds matched to a federal grant, all centers must abide by these restrictions.

Emergency Preparedness and Disaster Recovery

Centers must have in place disaster plans which are coordinated with their institution and the Lead Center to ensure delivery of services to small businesses in its assigned service area(s). Such plans must be kept on file and available for review by SBA officials. Plans should be reviewed annually by the Center Directors and updated as needed. Center's individually, with the approval of the ESD and in cooperation with SBA and other Federal Agencies as well as state and local entities are encouraged to provide disaster recovery assistance to support impacted small businesses in local economies. Centers should follow their institution's process and obtain training from their institutions regarding emergency situations on their respective campus. Center Directors should ensure that emergency exit diagrams are placed within their offices so that clients have the ability to evacuate should the need occur. Staff are encouraged to participate in their institution's emergency notification systems. When threatened by a natural disaster, the Lead Center will take measures to protect and restore critical systems (Neoserra).

NMSBDC Supported Software

The responsibility for hardware support, operation, and maintenance of computers remains with the center or their technical designee at the institution level. On behalf of the NMSBDC, Outreach Systems currently supports a web-based Client Activity Tracking software, known as Neoserra. The database server and application software reside with Outreach Systems, located in Santa Barbara, California. All centers are required to enter activity data into the Neoserra system. All of the data required by the SBA must be entered into Neoserra and is used for Program reporting. Only the NMSBDC Data Analyst and/or the ESD has the authority to implement changes to the data base.

Neoserra requires a username and password to access. Permissions to use the system are obtained by completing an Outreach Systems Neoserra User Profile available from the NMSBDC Data Analyst during onboarding. These permissions authorize staff to operate computer equipment and to access Program data files and computer programs only if such operation is clearly a part of, or directly related to, the workload of the Program. Once completed these forms shall be routed to the NMSBDC Data Analyst to have account access setup.

When a staff member of the Program leaves his or her position, it is the responsibility of the person in charge of the center to immediately notify the Assigned ASD so the staff member's user permissions can be disabled.

Authorization to access Program data files and computer programs may be withdrawn by the appropriate supervisor at any time, by telephoning the assigned ASD and giving the name of the staff member whose authorization is withdrawn. However, the supervisor must e-mail the assigned ASD to confirm the withdrawal of authorization.

Network Software Systems

Currently the Program is utilizing Neoserra for capturing the center' activity (<https://nmsbdc.Neoserra.com/>). All Centers are expected to utilize the NMSBDC website (<http://www.nmsbdc.org>). The Lead Center also encourages centers to utilize any software purchased and managed by the Lead Center. Any other software used for client counseling that a center wants in addition to what is provided by the Lead Center, must be submitted for review and approval from the assigned ASD prior to the center entering into a service contract or purchase.

Current software includes:

SBDCnet – custom research

Data Axle – business listings by industry

Demographics Now – GIS based demographics

SD SBDC Financial Projections – financial statements

IBIS World – industry reports

Vertical IQ - industry intelligence tool

Constant Contact

Dropbox
Zoom

Help Desk Operation

The Lead Center serves as the focal point for software services used within the Program statewide. All concerns regarding software must be directed to the NMSBDC Data Analyst and the Executive Assistant to the ESD.

Ownership and Use of Information Technology Resources

The information technology resources provided and maintained by the Lead Center are intended for Program related purposes including the support of the NMSBDC mission, its functions and activities statewide. Appropriate use of computing resources includes respecting the privacy of other users and their accounts, using only those resources you are authorized to use, and abstinence from using any of these resources for personal gain or commercial use not related to business. Unauthorized and/or inappropriate use of these resources is prohibited and may result in revoking of user's permissions.

Disclosure of Passwords

It is a violation for any person to disclose any assigned password to any other person, **except** to a member of the Lead Center staff for problem resolution purposes. Thus, it is the responsibility of each employee to whom a password is assigned to maintain the confidentiality of the password. Under no circumstances shall passwords be posted or kept in a place that is accessible to unauthorized persons. Access to these accounts and their passwords to any unauthorized personnel are prohibited. It is the responsibility of the account owner to notify Lead Center whenever unauthorized account access is suspected. The account owner should then change their password.

NMSBDC Technology Training Orientation

The Lead Center provides staff orientation every quarter, as necessary. Part of this new staff onboarding/orientation training includes training on the software currently being used by the Program. The purpose of this portion of training is to provide technology integration training to staff. This orientation is available for all staff and can be scheduled by contacting the Lead Center.

Web Publishing Policy

The NMSBDC web site is managed by the Lead Center and contains location pages for each center. This is the **ONLY** website page that a center should be using to promote their center, staff and counseling services to the public. The centers are allowed to participate in a page sponsored on the institution site as well. The use of any institution web sites to promote the center must be consistent with the mission and vision of the Program. Any center page not contained within the NMSBDC.org site must contain a cross link to the NMSBDC.org site.

Centers

The center location page within the NMSBDC.org site is the responsibility of the Center Director who may designate a center staff member to update and keep current. The center designee is responsible for managing and updating the center location page.

Content Guidelines for Web Location Pages

- A.** All web pages must reflect only information and resources that are consistent with the NMSBDC mission and vision.
- B.** All center location pages on their host institutions website (if available) must contain a link to the NMSBDC web site (www.nmsbdc.org). This link to the official NMSBDC's home page should be prominently displayed on the page. The NMSBDC web site will contain a link back to all host institution Center web sites.
- C.** No center location page may contain a link to the personal web pages of any Program staff.
- D.** Commercial use of any NMSBDC web site for the pursuit of personal or financial gain is prohibited.
- E.** All postings must comply with all state, federal, and international laws concerning copyright, intellectual property rights, and legal uses of network computers.
- F.** Postings must include a statement of copyright when appropriate and indicate that permission has been received when including copyrighted materials.
- G.** The assigned ASD and/or the ESD reserves the right to define high quality in both style and presentation of all location pages.
- H.** Location pages must not be used as a forum for political, religious, or personal philosophy.

Reporting

The cooperative agreement with each institution and the Statewide Business Plan provides the reporting guidance.

Performance Measures

The cooperative agreement with each institution and the Statewide Business Plan provides the performance measures.

Contact Record

A contact is an individual. This status is used to track individual-specific information such as contact information, gender, ethnicity, veteran status, etc. Contact records are closely linked with the client or pre-client records in the Program database to allow tracking individuals from a company or agency.

Surveys

The type, frequency and number of total surveys required are subject to change as determined by the Lead Center. Each center must participate with required surveys. Each survey is designed for analyses of key measurements that will support the NMSBDC Vision, Mission and **Statewide Business Planning Cycle** as well as meet stakeholder accountability expectations.

National Impact Study

The NMSBDC participates in the National Impact Study contracted by ASBDC's, known as the Economic Impact Report. This study, completed by economist **Dr. James Chrisman**, annually surveys clients receiving more than 5 hours of assistance two years prior to the year of surveying. These figures are incorporated into a national results study of continuing satisfaction and long-term results.

Performance Reporting Policies

Every quarter the Lead Center extracts the data from Neoserra and uploads to the SBA's database known as NEXUS. Every center must maintain complete and accurate records and supporting documentation to facilitate financial and/or program audits. It is important all centers continually enter data into the database to ensure complete and timely submission of statewide data to the SBA and other stakeholders.

When a client has an economic impact, and an advisor assisted the client with achieving that economic impact the advisor should collect and report the impact using the CLIENT GROWTH ASSESSMENT. Timely reporting is essential and therefore the following time limit on capturing and reporting economic impact:

- advisors should capture and report impact in the year the impact occurs,
- since it is possible that impact may not be known by an advisor without follow up to a client, impacts may still be captured and reporting within 2 years of when the impact was achieved,
- if impact is discovered by an advisor past the two year period, but only in the third year, then the circumstances of why the impact was not earlier discovered need to be provided by the servicing center's Director and reported to the assigned ASD for their review, evaluation and recommendation which they will send to the ESD for the final decision if the impact will be allowed to report.

Counseling Session Records

Each center must maintain client case records within Neoserra. Session records must include the following:

- Detailed description of what happened during the session
- Identification or analysis of the problem or opportunity
- Actions taken during the meeting, recommendations made, follow-up required by the counselor, actions to be taken by the client, and next steps (if any).

All comments written in the counseling session records must show clear progression towards a meaningful outcome. The records must indicate high quality counseling and examples of work performed, as that is the primary evidence to judge the quality of counseling service. The purpose in writing high-quality narrative descriptions includes the following:

- Narrative descriptions are the only means that other counselors have to familiarize themselves with a case, should that become desirable or necessary.

- The process of writing narrative descriptions is an important part of the consulting process, for in writing the narrative, the counselor takes the time to assimilate and organize what occurred in the session, which is important for planning and understanding the on-going case and maintaining focus on problem-solving.
- Narrative descriptions are the primary evidence of the quality of counseling being delivered by a counselor and are the key to establishing accountability.

Training

An important key service provided by the Program is its ability to educate the small business community, which is training. Training refers to a public workshop or seminar that is structured to provide business-related information. Training can take many forms beyond the traditional, one-time seminar in a classroom setting including:

- Multiple training events – A structured series of classes or modules much like a typical college course where attendees receive documentation or reward for completion.
- On-line training - An event in which individuals must attend simultaneously (synchronous).
- Recorded – an event in which individuals learn at their own pace (asynchronous).

Staff or interns cannot be counted as attendees of SBDC workshops. Training events internal to the Program should not be reported to the SBA.

Training Schedule

Effective October 1, 2019 centers are required to **submit their training schedule to their assigned ASD for approval 90 days prior to its offering through eCenter**. This schedule should provide information on the title, location, date, fee (if applicable) and topic of the training.

Training Event Promotions

All marketing materials and announcements of the event must have the appropriate SBA disclaimers and have Lead Center approval. Flyers and other marketing materials should specifically and clearly name the NMSBDC as a sole sponsor or co-sponsor which may include recognizing the center's institution, the SBA and the State of New Mexico. All marketing material must serve to identify the center as a member of the Network. Please contact the Lead Center or refer to the approved Program templates in Constant Contact for specific details.

Training Revenue

Although centers may not charge for counseling, they do have the option to charge a minimal fee for training events. At the discretion of the Center Director, reasonable fees may be charged to cover the costs of training, services provided by a third party or specialized services. The definition of program income, according to the cooperative agreement with SBA, is gross income earned by an SBDC that is directly generated by a Program-supported activity. This may include, but is not limited to, income derived from

fees for workshops, services beyond the normal scope of SBDC services, or for books, workbooks, usage or rental of equipment, etc. *OMB Circular A-110 and OMB Circular A-21* requires the center to completely account for program income. The Center Director is responsible for ensuring that program income be used only for the purpose of further delivery of Program services. Planned expenditures from program income are subject to OMB Uniform Guidance and Program rules and requirements as set forth in 13 C.F.R. § 130.480.

When a center sponsors an event, whether or not it is responsible for collecting fees, the center must track certain financial information in the MIS for disclosure on Form 888. This includes:

- number of people who paid the full amount of the registration fee
- number of people who paid discounted rates
- number of people who attended free of charge
- amount of money made by the event in total to be divided into amount from full fee paid and from discounted fee paid.

Any funds collected from registration fees must be kept in a program income account, and centers must follow the guidelines for expenditure of these funds. If the center did not collect the fees or received only a portion of the fees, the center must indicate on Form 888 for that event, a contact name and number for each co-sponsor that received funds. The Form 888 must include the signature of the co-sponsor to certify receipt of fees.

“No Shows”

Occasionally centers have attendees who pay but do not show up for the event. The policy for no shows is at the discretion of the center and its institution. No shows should either:

- receive credit for a future training event;
- have their fees refunded;
- forfeit the fees paid, which is acceptable as long as the client understands that the fee for the training is non-refundable. A statement to that effect should appear on the marketing materials for the event.

No-Shows should be noted in the **Management Informational System (MIS)** and should not be counted as an attendee on the SBA form 888, nor should their fees show in the "Fee Distribution" section. Fees received from no-shows should be noted on the program income report.

Pre-Training Participate Profile Record and Post-Training Evaluation Report

Centers must distribute and collect training documents to/from attendees in accordance with the cooperative agreement.