



# FRANCHISOR<sup>1</sup> CERTIFICATION

## FOR USE WITH SBA NEGOTIATED ADDENDUM

Full legal name of Franchisor:

*This Certification is to be used only if (1) the 2015 or 2016 version of the Franchisor’s franchise agreement<sup>2</sup> was reviewed by SBA and (2) a franchisee applying for SBA financial assistance is or will be operating under a version of the Franchisor’s franchise agreement (the “Current Franchise Agreement”) that (a) includes the SBA Negotiated Addendum (as defined below) and (b) the terms of which that affect “affiliation” between the franchisor and the franchisee (as defined in 13 CFR part 121 and SOP 50 10) are unchanged from the franchise agreement reviewed by SBA.*

Franchisor certifies that SBA has previously reviewed its [INSERT EITHER “2015” or “2016”] franchise agreement, including an addendum (the “SBA Negotiated Addendum”), for the above referenced franchise and determined that the franchise agreement with the SBA Negotiated Addendum did not create an affiliate relationship between the Franchisee and Franchisor. Franchisor further certifies that the Current Franchise Agreement includes the SBA Negotiated Addendum and that the terms of the Current Franchise Agreement, entered into on \_\_\_\_\_, 20\_\_\_\_, with \_\_\_\_\_ (“Franchisee”), an applicant for SBA financial assistance, that affect “affiliation” between the franchisor and the franchisee (as defined in 13 CFR part 121 and SOP 50 10) have not changed from those appearing in the franchise agreement reviewed by SBA.

Franchisor certifies that all of the statements and information provided in this Certification are true, accurate and complete, and Franchisor understands and acknowledges that SBA will rely upon this Certification for the purpose of determining size eligibility of the Franchisee for SBA financial assistance. Franchisor acknowledges that submission of false information to SBA, or the withholding of material information from SBA, can result in criminal prosecution under 18 U.S.C. 1001 and other provisions, including liability for treble damages under the False Claims Act, 31 U.S.C. §§ 3729-3733.

I am a duly authorized representative of the Franchisor and have the authority to sign this Certification on its behalf.

Signature	Date __/__/__
Print Name (First, Middle, Last)	
Title	
Company Name	

<sup>1</sup> While relationships established under license, jobber, dealer and similar agreements are not generally described as “franchise” relationships, if such relationships meet the Federal Trade Commission’s (FTC’s) definition of a franchise (see 16 CFR § 436), they are treated by SBA as franchise relationships for purposes of affiliation determinations per 13 CFR §121.301(f)(5).

<sup>2</sup> The term franchise agreement includes all addenda, amendments and other documents that are part of the franchise agreement.