

# MINORITY BUSINESS ENTERPRISE (MBE)/WOMAN BUSINESS ENTERPRISE (WBE) ELIGIBILITY CRITERIA



In an effort to be consistent in the MBE/WBE application process, the Kansas Department of Commerce opted to incorporate by reference 49 C.F.R. (Code of Federal Regulations) Part 26, Subpart D (§26.61 through §26.73) where applicable, and Subpart E (§26.81 through §26.87) where applicable as part of the Department's application process.

- (1) The minority and/or woman owner must be a citizen of the United States or have been lawfully admitted as a permanent U.S. resident.
- (2) The business must meet Small Business Size Standards as defined in the U.S. Small Business Administration Guideline 13 CFR, Part 121, which utilizes the North American Industry Classification System (NAICS) Code. The SBA, for most industries, defines a "small business" either in terms of the **average number of employees** over the past 12 months, or **average annual receipts** over the past three years.  
  
To help small business owners assess their small business status, SBA has established a Table of Small Business Size Standards, which is matched to the [North American Industry Classification System \(NAICS\)](#) for industries.
- (3) The business must independent, viable and For-Profit.
- (4) The business may be a sole proprietorship, limited liability, partnership, corporation or any other legal form of organization.
- (5) The business must be at least 51% owned and controlled by a minority or woman. Ethnic minority is defined as any business having owner(s) belonging to the following minority groups:
  - (a) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
  - (b) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - (c) "Native American," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
  - (d) "Asian-Pacific Americans," which includes Persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated State of Micronesia, or Hong Kong;
  - (e) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
  - (f) Women
  - (g) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.
- (6) The firm's ownership by minority and/or woman individuals must be real, substantial and continuing, going beyond pro forma ownership of the firm.
- (7) The MBE/WBE owner must control the management and daily operations of the business and must possess the power to direct or cause the direction to the management and policies of the firm and to make day to day, as well as long term decisions on matters of management, policy and operations.

Note: The MBE/WBE Certification does not have a personal net worth requirement as the DBE Certification.