

Approved April 8, 1992
Date

MINUTES OF THE Senate COMMITTEE ON Economic Development

The meeting was called to order by Senator Dave Kerr at
Chairperson

8:00 a.m. ~~xxx~~ on March 31, 1992 in room 123-S of the Capitol.

All members were present except:

Senator Francisco (Excused), Senator Moran (Excused)

Committee staff present:

Lynne Holt, Legislative Research Department
Bill Edds, Revisor of Statutes' Office
LaVonne Mumert, Committee Secretary

Conferees appearing before the committee:

Lynne Holt, Legislative Research Department
Don Heiman, Division of Information Systems and Communications
Pat Baker, Kansas Association of School Boards
Jim Beckley, Department of Commerce

HB 2682 - Providing telecommunication services to governmental units

Lynne Holt explained that HB 2682 would authorize the Secretary of Administration to provide telecommunications services to any governmental unit and to establish rates and charges. Ms. Holt said that, under current law, the Division of Information Systems and Communications (DISC) can provide telecommunications services to a local unit of government only if a state agency agrees to pay DISC for those services and then recover the costs from the local unit of government, a cumbersome process.

Don Heiman testified in support of the bill (Attachment 1). He said the bill would facilitate the use of two-way interactive video by schools and would save state agencies money. Mr. Heiman requested legislative direction regarding pass-through costs under DISC's budget cap.

Chairman Kerr asked about the impact of this legislation on the private sector. Mr. Heiman said that DISC will buy service and equipment from the private sector, and Andy Scharf (DISC) noted that for some schools, costs of utilizing private sector telecommunications are prohibitive, and without the availability of DISC's services, those schools would not be able to participate. In response to questions from Senator Feleciano, Mr. Scharf said that under current plans and plans in the 1993 budget year, the DISC network will spread to all quadrants of the state. He expects that this bill will have a significant impact on the hospital environment in western Kansas.

Pat Baker testified in support of HB 2682 (Attachment 2).

The Committee was also provided with written testimony in favor of the bill from Chris McKenzie, League of Kansas Municipalities (Attachment 3).

HB 3128 - Trade Show Promotion Act, reviving and amending

Jim Beckley explained and spoke in support of HB 3128 (Attachment 4). This bill would broaden the trade show assistance program to include domestic trade shows in addition to international shows allowed by current law. The bill, as amended by the House Committee, would allow an expense reimbursement maximum of \$2,500 for a domestic trade show, with a 50% total expense limit. House Committee amendments would also increase the maximum reimbursement for international shows to \$4,500 and maintain the current 50% limit. The total reimbursement limit for domestic shows would be \$5,000 a year for a single company and \$8,000 for international shows. The bill would also expand the allowable freight expense limit and, as amended by the House Committee, limit the domestic show funding to 10% of the total funding of

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Economic Development,
room 123-S, Statehouse, at 8:00 a.m./~~p~~ on March 31, 1992

the program. Mr. Beckley said the bill does not increase the funding levels of the current program.

During discussion of the bill, Senator Brady suggested that perhaps the program could be restructured so that companies which enjoy a profit from a trade show could repay the assistance they receive from the agency. Mr. Beckley advised that the figures contained in this testimony showing return on investment are based on what the agency spends, not what the company spends and that those figures are calculated on sales. Senator Oleen asked about the selection process for the grants. Mr. Beckley said that a four-person committee reviews the applications and have only rejected one application during the program's existence. The Committee asked about the deadline for submitting applications being the opening day of the trade show. Senator Brady said that the purpose of the program should be to encourage those companies who have not already made a final decision to attend a show, not to reimburse those who will attend anyway. In response to questions from Chairman Kerr, Mr. Beckley said that the total funding has already been allocated for this fiscal year. Chairman Kerr observed that the original intent of the program was to provide incentives to assist companies in marketing internationally and noted that domestic marketing does not have the cost barriers of international marketing.

HB 2682 - Providing telecommunication services to governmental units

Senator Winter made a motion to amend HB 2682 by adding language on the second page of the bill to provide that records made, maintained or kept in the course of providing telecommunications services and which pertain to identifiable individuals shall be the records of a division, department or agency of the state to which such records pertain and that the Revisor be given sufficient latitude to make whatever other changes are needed to be sure that these records are property of the agency and are subject or not subject to the open records law as are other records of that agency. Senator Brady seconded the motion. In response to Senator McClure's question, Senator Winter said his motion pertains to both Kansan and Watts line calls. The motion carried.

Senator Winter moved that HB 2682, as amended, be recommended favorably. Senator Oleen seconded the motion, and the motion carried.

Senator Vidricksen moved that the minutes of the March 25 and 26, 1992 meetings be approved. Senator Oleen seconded the motion, and the motion carried.

The meeting adjourned at 9:00. The next meeting of the Committee will be Friday, April 3, 1992.

HB 2682 TESTIMONY

Senate Committee on Economic Development
Don Heiman, Assistant Deputy Director, DISC

Mr. Chairman and members of the committee:

Thank you for the opportunity to testify on House Bill 2682. My name is Don Heiman. I am the Assistant Deputy Director for administration in DISC. Several weeks ago Virgil Basgall, my boss, testified on this bill to the House Committee on Economic Development. Virgil could not testify today because his mother is undergoing heart surgery. He asked that I present for him. Andy Scharf, our Assistant Director for Telecommunications, is with me today to help answer questions.

The Division of Information Systems and Communications (DISC) strongly supports HB 2682. As you know, this bill authorizes the Secretary of Administration to provide telecommunications services to counties, municipalities, and school districts.

HB 2682 Benefits

There are many excellent reasons for allowing local units of governments to use our Statewide telecommunications network. For example, at the present time, state law requires us to provide services only to state agencies. Today, if local units of government want access to the network, we need to find a sponsoring agency to rebill our charges or we need to arrange for our network vendors to directly bill the local units. When the billing is split between us and our vendor, it becomes harder for us to manage the network. Also it is hard for us to find sponsoring agencies since many agencies do not have fee funds to deposit money they would receive or staff to handle a large rebilling effort. Passage of HB 2682 will resolve these billing problems because it allows DISC to recover all costs directly from local units of government, as well as State agencies.

The bill also provides important services to local units of government at a very reasonable cost. For example, under the bill school districts can use the State network

for video hookups to broadcast and receive lectures from different locations in the state. This capability is called remote learning or two-way interactive video. With interactive video, a class of students in Dodge City, for example, would be able to see and speak with an instructor in Lawrence. The Lawrence instructor is also able to see and talk with students at Dodge City.

In addition to these advantages, passage of HB 2682 will save state agencies money. The savings come in two ways: First, as more users are added to the network, DISC is able to negotiate bulk discounts with vendors who sell data circuits and related equipment. Second, since DISC pools its costs and divides the costs by the total number of users, the unit price of network services declines as more users join the network. Thus, our state agencies will enjoy a lower price for the services they acquire from DISC.

HB 2682 Cost to the state

At the present time, we have two individuals in our Bureau of Administrative Services who are responsible for network accounting and billing. This small staff handles about 300 accounts. Every month they bill over 49,000 itemized services. These services include telephone calls, data circuits, terminal connections to the network, and labor to install and maintain various network devices used by state agencies. If HB 2682 is passed we will need to reallocate a position to our administrative staff at an annual cost of \$27,003. The reallocation can be handled by reclassifying an existing position from our computer operations staff. Thus, there is no need to increase DISC's base salary budget to handle the additional accounting load.

Fund 6110 and 6147 Budget Caps

Finally, in order to support a large number of new customers, DISC will need to order data circuits and equipment to connect the new customers to the network. As a general rule, the costs for circuits and equipment are passed on to customers. Thus, we pay the bill to the vendors and rebill the new customers at our cost. Two years ago the legislature capped our operating and depreciation reserve funds. If HB 2682 is passed, DISC may need to seek Finance Council approval to buy circuits and equipment as new customers join the network; or the legislature would need to

remove the cap with the understanding that DISC would fully report and justify HB 2682 expenditures as a part of its network budget request.

HB 2682 also improves local government access to state agencies and reduces costs to local units of government because our rates are considerably less than commercial rates. For example, DISC charges only \$.25 for the first minute of a "Kans-a-n" call anywhere in the United States. Also local units will have access to a number of low priced services such as electronic mail and conference calling.

Conclusion

In conclusion, DISC favors passage of HB 2682. The bill provides important services to local units of government, the bill will reduce network charges to state agencies as more people use the network, and the bill allows us to streamline the way we recover costs from non-state agencies. The cost of implementing the bill is very modest. However, we need legislative direction regarding how we accommodate pass-thru costs under our existing budget cap.

Thank you for the opportunity to testify. May Andy or I answer any questions?



Testimony on H.B. 2682
before the
Senate Committee on Economic Development

by

Patricia E. Baker
Associate Executive Director/General Counsel
Kansas Association of School Boards

March 30, 1992

Thank you, Mr. Chairman and members of the Committee. I appreciate the opportunity to appear before you in support of H.B. 2682.

We feel that extending access to DISC, especially the KANS-A-N network to local units of government will provide improved, efficient and economical communications possibilities.

We ask your favorable consideration of H.B. 2682. Thank you.



**THE LEAGUE
OF KANSAS
MUNICIPALITIES**



AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: Senate Committee on Economic Development
FROM: Chris McKenzie, Executive Director, League of Kansas Municipalities
RE: HB 2682--Local Government Use of State Telecommunications Services
DATE: March 31, 1992

On behalf of the League and its member cities, I appear in support of HB 2682, which would provide for the use of the state's telecommunications services by local governments, on a cost basis. For some years, the League's convention-adopted "Statement of Municipal Policy" has contained a provision that "local units should be provided the opportunity to access and use the state's KANS-A-N telephone system.

Frankly, we do not know how extensively Kansas local government would utilize the services that would be available under this bill. However, we are aware that other states have provided this kind of service for many years, and that it has been found workable and practical and permits some cost savings.

The League has traditionally supported those state actions that would strengthen the state-local government partnership, and we think HB 2682 provides an opportunity to enhance this partnership, to better serve the public.

President: Bob Knight, Mayor, Wichita * **Vice President:** Joseph E. Steineger, Jr., Mayor, Kansas City * **Past President:** Frances J. Garcia, Commissioner, Hutchinson * **Directors:** * Donald L. Anderson, Mayor, Lindsborg * Michael A. Conduff, City Manager, Manhattan * Ed Eilert, Mayor, Overland Park * Harry L. Felker, Mayor, Topeka * Idella Frickey, Mayor, Oberlin * William J. Goering, City Clerk/Administrator, McPherson * Ralph T. Goodnight, Mayor, Lakin * Jesse Jackson, Commissioner, Chanute * Stan Martin, City Attorney, Abilene * Mark Mingenback, Councilmember, Great Bend * John Nalbandian, Commissioner, Lawrence * Mary E. Reed, City Clerk/Director of Finance, Parsons * **Executive Director:** Christopher K. McKenzie

Attachment 3
3/31/92
Sen. Eco. Dev.

TRADE DEVELOPMENT DIVISION



Kansas Department of Commerce

*Attachment 4
3/31/12
Sen. Eco. Dev.*

PREPARED FOR:
SENATE ECONOMIC DEVELOPMENT
COMMITTEE

MARCH 31, 1992

KANSAS

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Director, Trade Development Division

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Mr. Chairman, members of the committee:

Thank you for the opportunity to testify in support of amendments to the Kansas Trade Show Assistance Program. Through HB3128 changes are proposed that will give the program more flexibility to assist Kansas companies in pursuing marketing opportunities.

I would just like to take a few moments of your time to highlight some details of the program and show results of the last two fiscal years.

The program was created by the 1989 Kansas Legislature to assist Kansas businesses in the pursuit of new markets. Currently, the Act allows the Secretary of Commerce to provide financial assistance to Kansas companies participating in international trade shows.

To date, over 160 Kansas companies have utilized and benefited from this program. Kansas companies have been extremely pleased with the program, and have reported many times, that without the assistance, they would have been unable to participate in an international trade show.

Pages 5 - 9 visually depict the program for FY90 and FY91:

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HB3128 would expand on the success of the program by:

- 1) broadening the assistance program to allow Kansas companies to participate in selected domestic trade shows;
- 2) maintain the current limit of 50% of trade show expenses reimbursable with a \$3,500 per show cap and a \$7,000 per fiscal year, per company cap for domestic trade shows;
- 3) increase the allowed reimbursable limit for international trade shows to \$4,500 per show and a \$9,000 per fiscal year per company cap;
- 4) expand the allowable freight expense limit to 80% of total freight cost for both domestic and international trade shows; and
- 5) limit the amount of domestic trade show funding to not more than 30% of the total allocated funding per fiscal year.

Under HB3128 no costs would increase that are related to this program and the allocated funding levels would not be effected. The proposal would only reallocate how approved funding for the program is distributed to Kansas companies.

Key points to HB3128 are:

- * The division has found that many Kansas companies do not have the ability or are not ready to expand into the international marketplace, but do have the products and/or services that could be expanded in the domestic market. One of the major obstacles to their success in large national trade shows is the tremendous cost.

These large domestic shows are truly "where the buyers are", but if a small Kansas company cannot afford the show costs they are shut out of a potentially lucrative market.

* Increasing the allowable reimbursement limits for international trade shows is needed for two reasons. First, certain international trade shows are very expensive, but by many standards they are the best shows in the world. Kansas companies that wish to participate in these top shows have found it cost prohibitive. Second, even with the proposed increase limit in the limit of freight costs going to 80% (which I will discuss next), the limit of \$3,500 would be insufficient if Kansas companies would want to take advantage of the other reimbursable trade show expenses.

* Expanding the reimbursement rate for freight expenses to 80% for both domestic and international trade shows encourages the companies to actually ship products to the shows. One of the primary advantages of trade shows is the fact that a company can show their product to a large number of buyers at one time. The costs to ship manufactured products is a major deterrent to company participation in trade shows. Even if companies decide to participate in the program, many do not ship their products because of the high shipping costs. Without products at the show, Kansas companies are at a disadvantage in attracting buyers.

* Lastly, the amount limited to domestic shows would be not more than 30% of the total allocation to the program. This will allow the Trade Development Division programming to continue its major emphasis toward international marketing.

The Trade Development Division is confident that HB3128 will have a positive impact upon the marketing efforts of Kansas companies. Through these sales efforts, wealth, prosperity and jobs in Kansas will surely grow. We request your favorable action on this bill.

In pages 10 onward you will find the different program information material that we use to administer the present program.

Kansas Trade Show Assistance Program

FY90 - FY91

Year	Number of Disbursements	KTSAP Dollars Spent*	Company Reported Sales from Show Participation	Dollar Return Ratio
FY90	36	\$ 88,916.61	\$5,092,352.00	57.27**
FY91	62	\$145,050.01	\$5,870,989.61	40.47

* Shows Cancelled or
Co.'s Receipts Less
Than Estimates

** One deviation
due to exceptionally high
return. Actual would be Aprox.
26.76:1

(5)

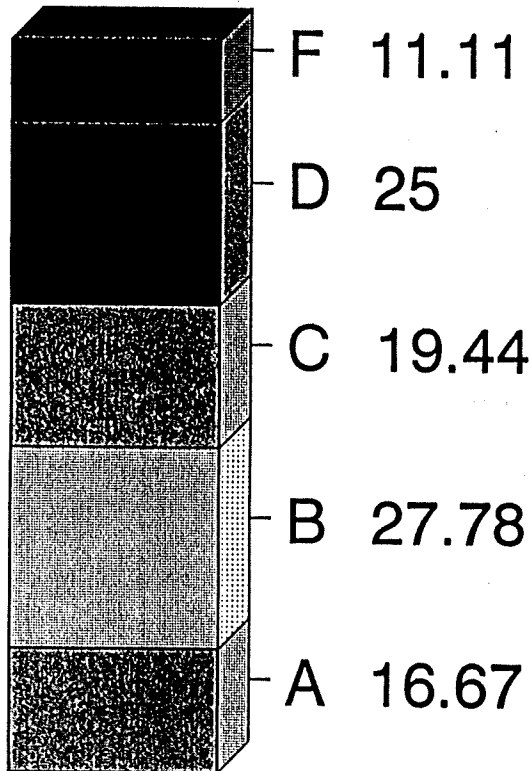
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Source: Kansas Company's Post-Show Reports/KTSAP Manager

KTSAP Participation FY 90 - FY 91

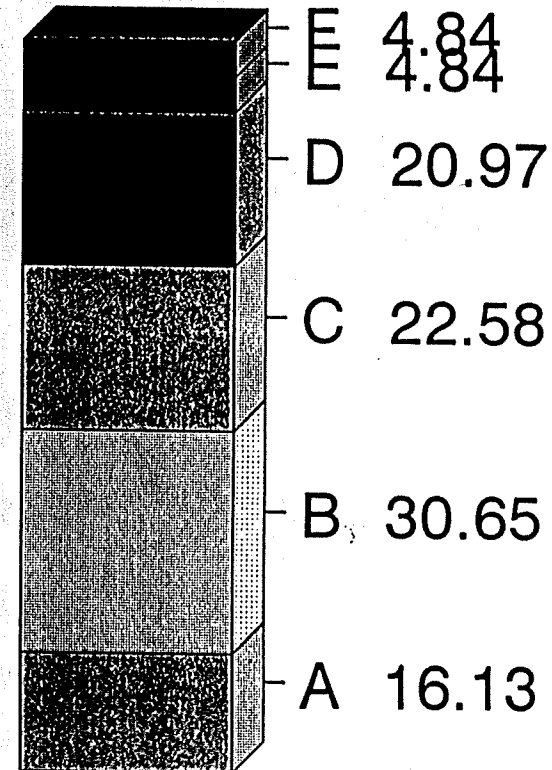
Percent of Total Participation Based on Company Size

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FY 90

36 Disbursements



FY 91

62 Disbursements

Source: KTSAP Records/KTSAP Manager

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Kansas Trade Show Assistance Program

Dollar Returns by Region FY90 - FY91

	FY90	FY91
Germany	127.6	86.74
U.K.	68.73	12.37
Mexico	31.34	33.09
Canada	24.16	13.89
Korea	24.29	20.97
Australia	22.81	24.25
Spain	22.86	0
Netherlands	8.57	
China	2.86	
France	0	30.9
Singapore	0	17.18
Chile	0	
Thailand		84.68
UAE		23.58
Norway		88.6
Japan	0.87	0.27
Costa Rica		2.3
USSR		0
Netherland Antilles		0
Malaysia		0

Source: Kansas Company's Post-Show Reports/KTSAP Manager

Kansas Trade Show Assistance Program

(KTSAP) - Eligible Expenses

- Space or Booth Rental Fees
- Participation Fees
- Space/Booth Design and Construction
- Space/Booth Furniture or Equipment Rental
- Translator/Interpreter Fees at the Show
- Dismantling of Booth/Exhibit
- Transportation of Equipment and Exhibition Materials to and from the show
- Space/Booth Utility Costs

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Kansas Trade Show Assistance Program

(KTSAP) - Ineligible Expenses

- Compensation, Wages, Salary of an Employee or Agent
- Travel
- Lodging
- Meals
- Hospitality

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Source: KTSAP Records/KTSAP Manager



Joan Finney, Governor

KANSAS

DEPARTMENT OF COMMERCE

Trade Development Division

Laura E. Nicholl
Secretary

James E. Beckley
Director

March 3, 1992

Dear :

Enclosed herewith is information on the Kansas Trade Show Assistance Program (KTSAP). Enclosed is an application form and all related guideline materials. If your company decides to apply for trade show assistance, the application must be post-marked, at the latest, on or before the start of the trade show. Otherwise, the application will not be considered. It is a good idea, however, to submit your application as early as possible as funding is limited.

The Department of Commerce is pleased to be able to offer this trade show assistance program. Foreign shows are one of the best ways to develop international trade opportunities, promote products and services, and make face-to-face contact with foreign buyers. By reducing some of the costs associated with these shows, it is our hope, that Kansas firms will increasingly venture into the international marketplace.

If you have any questions or need further assistance, please feel free to contact me at (913) 296-4027.

Sincerely,

Wesley Jaeger
Manager
Trade Show Assistance Program

enclosures



KANSAS TRADE SHOW ASSISTANCE PROGRAM
(KTSAP)
APPLICATION- FY92

This form is used by the Kansas Department of Commerce, Trade Development Division, to determine if a Kansas firm is eligible for foreign trade show direct expense reimbursement of up to one-half (1/2) and not to exceed \$3500 per show with reimbursements not to exceed \$7000 of financial assistance during a state fiscal year (July 1 to June 30). To meet the current guidelines the trade show must start before June 30, 1992. (Please type and answer every question).

Company Name: _____

Address: _____

Telephone: _____ Fax: _____ Telex: _____

Contact Person: _____

Title: _____

When was firm established: _____

Number of employees: _____

Annual sales for firm: _____

Percentage of sales attributable to export: _____

Countries where company has representation or where products have been sold (list country and product):

Explain your company's export knowledge and/or experience:

Do you have CIF, FOB, and/or other price quotes available: _____

How would you respond to an order that exceeds your production output:

Name trade show: _____

Trade show location and dates: _____

Have you attended this particular trade show before: _____

Percentage of Kansas content for product(s) at this show: _____

Names and titles of employee(s) who will attend the trade show. At least one full-time company employee/sales agent must attend the show. (attach a separate page if additional space is required):

Objectives for attending the trade show:

What is the market potential for your product in the area covered by the trade show:

Projected sales from this trade show participation: _____

Equipment/products/services to be exhibited at this show:

Estimated trade show expenses (Please convert amounts into current U.S.\$- Exchange rate used _____ date _____):

	Company Est.	KDOC Est.
1. Booth space (_____ square meters X cost per square meter)	\$ _____	\$ _____
2. Participation fees	\$ _____	\$ _____
3. Booth/space design and construction	\$ _____	\$ _____
4. Booth furniture or equipment rental	\$ _____	\$ _____

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5. Translator fees at the show

\$ _____ \$

6. Dismantling of booth

\$ _____ \$ _____

7. Transportation of equipment and exhibition materials to and from the show

\$ _____ \$ _____

8. Booth utility costs

\$ _____ \$ _____

9. Other expenses not listed: _____

\$ _____ \$ _____

\$ _____ \$ _____

A. Total estimated direct expenses

\$ _____ \$ _____

B. Funding which the firm will receive to participate in the show from other trade show assistance programs or sources other than the firm

\$ _____ \$ _____

C. Line A minus line B

\$ _____ \$ _____

D. Estimated amount to be considered for reimbursement by the Department of Commerce under the Kansas Trade Show Assistance Program.
(not to exceed the lesser of \$3500 or 1/2 of line C)

\$

E. Maximum amount approved by the Department.
(to be filled out by Department)

\$

I agree that if my application is approved, I will abide by the guidelines outlined by the Kansas Trade Show Assistance Program and will agree to enter into a written contract with the State of Kansas.

Applicant's Representative Signature

Date

Print Name

Title: _____

Return to: Kansas Department of Commerce
Trade Development Division
400 SW 8th Street, Suite 500
Topeka, Kansas 66603-3957
(913) 296-4027
FAX: 913 296-5263



Attn: Kansas Trade Show Assistance Program

Please attach a copy of the trade show brochure and your company brochures, video, or other information or samples with this application in order to facilitate timely processing.

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KANSAS TRADE SHOW ASSISTANCE PROGRAM (KTSAP) GUIDELINES- FY92

EXPENSES

Under the KTSAP the Trade Development Division of the Kansas Department of Commerce will reimburse a successful applicant up to one-half (1/2) of the approved expenses directly attributable to the applicant's participation in the trade show not to exceed \$3500 per show and no more than \$7000 in total financial assistance during a state fiscal year (July 1 to June 30). The KTSAP reimbursement will occur at the conclusion of the trade show and after all documentation and official paid receipts are turned into the Department.

Direct expenses available for reimbursement include only those expenses attributable to promoting Kansas products or services as outlined later.

The following foreign trade show expenses, within reason, are examples of direct expenses that the Department of Commerce would consider for reimbursement:

1. Space rental fees
2. Participation fees
3. Booth/space design and construction
4. Booth furniture or equipment rental
5. Translator fees at the show
6. Dismantling of booth
7. Transportation of equipment and exhibition materials to and from the show
8. Booth utility costs

Examples of expenses which are not eligible for reimbursement are:

1. Compensation, wages, salary of an employee/sales agent of a Kansas firm
2. Travel
3. Lodging
4. Meals

Funds received by the firm to participate in the foreign trade show from a trade show promotion program other than the KTSAP must be deducted from the direct expense eligible under the KTSAP.

ELIGIBILITY

Kansas companies which are eligible to receive a reimbursement are those businesses with services (including engineering, design, architectural) originating within the State (excluding banks, freight forwarders, export management

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d) have English translations accompanying all non-English noted expenses

4. Enclose with invoice a W-9 taxpayers certification form. These will be provided by the Trade Development Division.

5. Proof of the official exchange rate at the time the expenses occurred and the type of currency if it is not the dollar (US\$). Proof must be provided by:

- a) receipts given at the time of currency exchange,
- b) published rate in the "Wall Street Journal" or other daily publication for the date the expense was incurred, or
- c) a written quote from a bank stating exchange rate on specific date.

Reimbursement will not be made to a Kansas firm under the following conditions:

1. The applicant has received a total of \$7000 in reimbursements from the KTSAP during any state fiscal year (July 1 to June 30).
2. Products or services promoted at the show have not originated within the State or products have not been manufactured or have not received value added processing in Kansas.
3. If after sixty (60) days after the last day of the trade show the Trade Development Division has not received the proper reimbursement paperwork and/or has not received all required documentation to date.
4. Company fails to participate in the trade show specified, thus not complying with the statutory requirement concerning reimbursement.

At any time after a company application has been approved and changes in plans occur, the Trade Development Division must be notified.

Because of limited funding, it is possible that the number of Kansas companies applying for this assistance program could exceed the amount of funds available. The committee will reserve the right to limit the percentage and amount of funding.

For further information or clarification on the Kansas Trade Show Assistance Program please contact:

Kansas Department of Commerce
Trade Development Division
400 SW 8th Street, Suite 500
Topeka, Kansas 66603-3957

Tel: (913) 296-4027

Fax: (913) 296-5263

Tel: 480 424 KS

companies) or products manufactured or which receive value added processing in Kansas.

In addition to the above requirements, the business must:

1. Be targeting a new market for their product(s) or service(s), or
2. Wanting to locate an agent, representative or distributor, or
3. Wanting to introduce a new product into an established market.

QUALIFICATION

Firms must be qualified by the KTSAP Overview Committee in order to receive reimbursement. To qualify, the company must complete the following steps:

1. The firm shall agree to have a full-time company employee/sales agent at the trade show.
2. The foreign trade show starting dates must fall between July 1, 1991 and June 30, 1992.
3. The firm must apply before the date of the trade show. Because funds are limited, it is recommended that company's apply not less than three (3) months prior to the date of the foreign trade show.
4. The firm should demonstrate knowledge of a demand for its products in the location of the show.
5. Submit to the Trade Development Division the KTSAP application and, if requested, provide additional information on said application to the Division.
6. Agree to provide the Trade Development Division a post-show report and a six (6) month follow-up report as to the effectiveness of the participation in the show in enhancing export opportunities and sales. The post-show report is to be submitted with the expense receipts. These reports will allow the Trade Development Division to judge the effectiveness of the program and insure its continued funding by the State.

ACCEPTANCE

The KTSAP overview committee will review the application upon receipt and once the application is approved the company will be eligible to receive reimbursement funding from the KSTAP.

The company will be sent the following:

1. Acknowledgement of participation
2. Contractual agreement to execute and return
3. Any additional information as may be required by the Department

REIMBURSEMENT

Selection of applicants is at the discretion of the Kansas Trade Show Assistance Program (KTSAP) Overview Committee based on the criteria for eligibility as previously outlined. Successful applicants will enter into an agreement for reimbursement with the Trade Development Division.

Following the trade show the applicant should request reimbursement by:

1. Providing the Trade Development Division with a completed, initial trade show report that documents the firm's participation at the show including the number of leads generated, agents/representatives/distributors signed, sales figures on or off-the-floor as well as the firm's objectives.
2. Provide on company letterhead an invoice listing each reimbursable expense. With each expense state:
 - a) date expense occurred
 - b) vendor paid
 - c) dollar (US\$) amount paid
 - d) description of why vendor was paid

After listing expenses total the dollar amount.

3. Attach to invoice all official paid receipts documenting reimbursable expenses as a result of show participation. The documentation of the original receipts must (all original receipts will be returned, if requested):
 - a) be signed by the payee
 - b) indicate the dollar (US\$) amount paid
 - c) not be altered in the dollar amount
 - d) indicate the purpose of payment
 - e) give name of the payor
 - f) give date of payment
 - g) have English translations accompanying all non-English noted expenses
 - h) be legible

All preprinted or standardized receipts must:

- a) give name of payee
- b) indicate dollar (US\$) amount
- c) indicate purpose of expense

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Kansas Trade Show Assistance Program
(KTSAP)
Application Review
FY92

Company Name: _____

Show: _____

Product: _____

Reviewed by KTSAP Overview Committee*: March 3, 1992

The following criteria are used by the Trade Development Division Overview Committee for evaluating applications for funding under the Kansas Trade Show Assistance Program (KTSAP). Applicants who attain a threshold of eighty percentage points or more will be recommended to the Secretary for funding. In the case of limited funding, when applications, which have met the eighty percent threshold, exceed available funding, applicants' total points will be used to determine which applicants would be recommended for funding to the Secretary for approval.

40%- SHOW APPROPRIATENESS: _____%

Items for Consideration Include:

- Show Location
- Show Timing
- Company's Product Fit
- Trade Visitors Attending Show
- Show's Reputation
- Number of Buyers Attending Show
- Show Frequency

20%- PURPOSE OF SHOW ATTENDANCE: _____%

Items for Consideration Include:

- Find New Market
- Find New Product
- Find Agent/Distributor
- Amount Company Has Researched Show
- Market Knowledge

15%- COMPANY COMMITMENT: _____%

Items for Consideration Include:

- Company Attendees at Show
- Type of Display and Materials to be Shipped
- Period of Attendance
- Company Financial Commitment

25%- PERCENTAGE OF KANSAS CONTENT: _____%

Total number of percentage points: _____%

KTSAP Overview Committee: Recommend/Not Recommend: _____

KTSAP Overview Committee: Recommended Funding Level: _____

KTSAP Overview Committee Members Reviewing Application

Deputy Secretary of Commerce Approved/Not Approved: _____

Deputy Secretary of Commerce Approved Funding Level: _____

Carole L. Morgan
Kansas Deputy Secretary of Commerce

Date: _____

*The KTSAP Overview Committee is comprised of professional staff members of the Kansas Department of Commerce, Trade Development Division.



Joan Finney, Governor

KANSAS

DEPARTMENT OF COMMERCE

Trade Development Division

Laura E. Nicholl
Secretary

James E. Beckley
Director

March 3, 1992

RE:

Dear :

We are delighted to inform you that your application for the Kansas Trade Show Assistance Program (KTSAP) has been approved.

The Kansas Department Of Commerce (KDOC) will reimburse your direct show expenses in an amount not to exceed \$. This amount is contingent upon your final expenses falling within the reimbursement guidelines.

Enclosed are three documents. Two (2) are copies of the Kansas Trade Show Assistance Program Agreement, one (1) is an amended copy of your original program application, and one (1) W-9 form. Please have a company officer sign both copies of the agreement (page 3 as well as the contractual Provisions attachment) and the W-9 form and return them to the Trade Development Division. These contracts will then be signed by the Secretary of Commerce and one will be returned for your records. The amended application is enclosed to reflect the KDOC Overview Committee's approval of certain line item direct expenses. It should be noted that some approved expense estimates will vary from original requests. Any calculations that the committee has used will be included for your review.

If you should have any questions or require additional clarification, please contact the Trade Development Division at (913) 296-4027.

Sincerely,

Wesley Jaeger
Manager
Trade Show Assistance Program

enclosures

Kansas Department of Commerce
Trade Development Division

Kansas Trade Show Assistance Program (KTSAP)
Trade Show Assistance Agreement
FY92

This Trade Show Assistance Agreement, hereafter referred to as the "Agreement", is entered into as of this _____ day of _____, 19____, by and between the Kansas Department of Commerce ("KDOC"), and _____ ("Company").

Whereas, Company has applied to KDOC for trade show assistance to undertake activities consistent with those provisions as specified under the Kansas Trade Show Assistance Program (KTSAP), and

Whereas, the KDOC and Company desire to enter into this Agreement in order to establish the amount of trade show assistance to be reimbursed for qualified direct expenses.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the KDOC and the Company hereby agree as follows:

KDOC, in reliance upon the Company's application dated _____, 19____, ("Application"), which is hereby incorporated into and made a part of this contract, is attached as Attachment A, has approved a reimbursement of direct show related expenses for the show as outlined in the Application. Reimbursement will be made in conformity with the requirements and provisions of this Agreement and the Guidelines.

KDOC agrees to reimburse Company an amount not to exceed \$ _____. This amount is contingent upon the final expenses falling within the reimbursement guidelines.

1. Purpose. The purpose of this Trade Show assistance to Company is to reimburse Company for a maximum of one half (1/2) of the total approved amount of expenses, not to exceed \$3500 per show. Reimbursements during a state fiscal year (July 1-June 30) may not exceed \$7,000. Examples of eligible direct expenses attributable to the trade show are as outlined:

- A. Space rental fees
 - B. Participation fees
 - C. Booth/space design and construction
 - D. Booth furniture or equipment rental
 - E. Translator fees at the show
 - F. Dismantling of booth
 - G. Transportation of equipment and exhibition materials to and from the show
 - H. Booth utility costs
 - I. Other direct expenses eligible for reimbursement with prior approval of the KTSAP Overview Committee (if none, insert "none" in the blanks):
- _____
- _____

2. Conditions for Reimbursement. Upon completion of those activities listed in paragraph one (1) and the payment of eligible direct expenses by Company, Company will request reimbursement by:

- A. Providing the Trade Development Division with a written statement - a completed, initial trade show report - documenting the firm's success at the show including the number of leads generated, agents/representatives/distributors signed, sales figures on or off-the-floor as well as the firm's objectives.
- B. Provide on company letterhead an invoice listing each reimbursable expense. Each expense will state:
 - 1) date expense occurred
 - 2) vendor paid
 - 3) dollar (US\$) amount paid

4) description of why vendor was paid

C. Provide the Trade Development Division with official paid receipts documenting reimbursable expenses as a result of show participation. The documentation of the original receipts must:

- 1) be signed by the payee
- 2) indicate the dollar (US\$) amount paid
- 3) not be altered in the dollar amount
- 4) indicate the purpose of payment
- 5) give name of the payor
- 6) give date of payment
- 7) have English translations accompanying all non-English noted expenses
- 8) be legible

D. Preprinted or standardized receipts must:

- 1) give name of payee
- 2) indicate dollar (US\$) amount
- 3) indicate purpose of payment
- 4) have English translations accompanying all non-English noted expenses

E. Proof of the official exchange rate at the time the expenses were occurred and payment was made in a currency other than the dollar (US\$). Proof must be provided by:

- 1) receipts given at the time of currency exchange,
- 2) published rate in the "Wall Street Journal" or other daily publication for the date the expense was incurred, or
- 3) a written quote from a bank stating exchange rate on specific date.

F. Upon receipt of a request for reimbursement, KDOC will either remit up to the amount approved in this contract of the authorized direct expenses or notify Company in writing of the reason(s) why the request for reimbursement will not be granted.

3. KDOC shall not remit a reimbursement to Company under the following conditions:

A. Any of the conditions outlined under the qualification agreement are not met.

B. The Company has received a total of \$7000 reimbursement from the KDOC during a state fiscal year (July 1 to June 30).

C. Products or services promoted at the show have not originated within the State or products have not been manufactured or have not received value added processing in Kansas.

D. If the KDOC has not received a reimbursement request and appropriate documentation from the company on or before 60 days after last day of trade show.

E. Company fails to participate in the trade show, as specified, thus not complying with statutory requirements concerning reimbursement.

4. Reports. Along with the request for reimbursement Company shall submit to KDOC: 1) a post-show/initial report and 2) a six (6) month follow-up report as to the effectiveness of the participation in the show in enhancing its

export opportunities and sales. The post-show/initial report will be submitted with the receipts for (D) expenses.

5. Recapture. In the event of fraud by Company or Company does not properly report expenses or does not properly report amounts received by Company from a trade show promotion other than KTSAP, the Department shall have eight (8) months from the date of payment of the request for reimbursement of expenses to recapture the total amount, or any portion thereof, paid to Company by Department.

6. Amendment. This Agreement may be amended upon consent of both parties. The amendment must be reduced to writing and signed by each party.

7. The Company agrees that the Kansas Department of Commerce, its members, officers, employees, or agents shall not be held responsible or liable to the Company for actions taken by the Company in reliance upon this agreement. Therefore, the undersigned assumes all responsibility risk of damages, losses, costs related thereto and hereby agrees to indemnify and hold harmless the Kansas Department of Commerce against any and all claims, suits, losses, damages, costs of any kind and of any nature that the Company may hereinafter suffer, incur, or pay arising out of the performance by Company at a trade show for which a direct reimbursement of expenses is contracted for with the Kansas Department of Commerce.

8. This Agreement constitutes a binding contract under Kansas law upon the KDOC and Company and is binding on all successors in interest to the Company.

The undersigned hereby certify that the information set forth in this Agreement, the application form and in any Attachment in support thereof is true, correct, and complete to the best of the applicant's knowledge and belief.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates entered below.

Company Name - (TYPE) Date

Name - (PRINT) Title

Signature

State of Kansas
Department of Commerce
Trade Development Division

Carole L. Morgan Date
Deputy Secretary
Kansas Department of Commerce

Contractual Provisions Attachment

The provisions found in the Contractual Provision Attachment (form DA-146a), which is attached hereto and executed by the parties to this Agreement, are hereby incorporated in this contract and made a part hereof.

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CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The provisions found in Contractual Provisions Attachment (form DA-146a), which is attached hereto and executed by the parties to this agreement, are hereby incorporated in this contract and made a part hereof."

The undersigned parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the ___ day of _____, 19___

1. TERMS HEREIN CONTROLLING PROVISIONS

It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated.

2. AGREEMENT WITH KANSAS LAW

All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.

3. TERMINATION DUE TO LACK OF FUNDING APPROPRIATION

If, in the judgment of the Director of Accounts and Reports, State Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.

4. DISCLAIMER OF LIABILITY

Neither the State of Kansas nor any agency thereof shall hold harmless or indemnify any contractor beyond that liability incurred under the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*)

5. ANTI-DISCRIMINATION CLAUSE

The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 *et seq.*) and to not discriminate against any person who performs work hereunder, because of race, religion, color, sex, physical handicap unrelated to such person's ability to engage in this work, national origin or ancestry, or age; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such act by the Kansas Commission on Civil Rights, shall constitute a breach of the contract and it may be cancelled, terminated or suspended in whole or in part by the Director of Purchases, State Department of Administration.

Parties to this contract understand that subsections (b) through (e) of this paragraph number 5 are not applicable to a contractor who employs fewer than four employees or whose contract with this agency of the Kansas state government total less than \$5,000 during this fiscal year.

6. ACCEPTANCE OF CONTRACT

This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.

7. ARBITRATION, DAMAGES, WARRANTIES

Notwithstanding any language to the contrary, no interpretation shall be allowed to find the State or any agency thereof has agreed to binding arbitration, or the payment of damages or penalties upon the occurrence of a contingency. Further, the State of Kansas shall not agree to pay attorney fees and late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect which attempts to exclude, modify, disclaim or otherwise attempt to limit implied warranties of merchantability and fitness for a particular purpose.

8. REPRESENTATIVE'S AUTHORITY TO CONTRACT

By signing this document, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this document on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.

9. RESPONSIBILITY FOR TAXES

The State of Kansas shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.

10. INSURANCE

The State of Kansas shall not be required to purchase, any insurance against loss or damage to any personal property to which this contract relates, nor shall this contract require the state to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 *et seq.*), the vendor or lessor shall bear the risk of any loss or damage to any personal property in which vendor or lessor holds title.

Vendor/Contractor:

Agency Head/Authorized Representative:

Date Signature

Title

Date Signature

Title

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Request for Taxpayer Identification Number and Certification

Give this form
to the requester. Do
NOT send to IRS.

Please print or type	Name (If joint names, list first and circle the name of the person or entity whose number you enter in Part I below. See instructions under "Name" if your name has changed.)	
	Address (number and street)	List account number(s) here (optional)
	City, state, and ZIP code	

Part I Taxpayer Identification Number

Enter your taxpayer identification number in the appropriate box. For individuals and sole proprietors, this is your social security number. For other entities, it is your employer identification number. If you do not have a number, see *How To Obtain a TIN*, below.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									

Part II For Payees Exempt From Backup Withholding (See Instructions)

Requester's name and address (optional)

Certification.—Under penalties of perjury, I certify that:

- (1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding (does not apply to real estate transactions, mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and payments other than interest and dividends).

Certification Instructions.—You must cross out item (2) above if you have been notified by IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. (Also see Signing the Certification under Specific Instructions, on page 2.)

Please Sign Here

Signature ►

Date ►

Instructions

(Section references are to the Internal Revenue Code.)

Purpose of Form.—A person who is required to file an information return with IRS must obtain your correct taxpayer identification number (TIN) to report income paid to you, real estate transactions, mortgage interest you paid, the acquisition or abandonment of secured property, or contributions you made to an individual retirement arrangement (IRA). Use Form W-9 to furnish your correct TIN to the requester (the person asking you to furnish your TIN), and, when applicable, (1) to certify that the TIN you are furnishing is correct (or that you are waiting for a number to be issued), (2) to certify that you are not subject to backup withholding, and (3) to claim exemption from backup withholding if you are an exempt payee. Furnishing your correct TIN and making the appropriate certifications will prevent certain payments from being subject to the 20% backup withholding.

Note: If a requester gives you a form other than a W-9 to request your TIN, you must use the requester's form.

How To Obtain a TIN.—If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals) from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local Internal Revenue Service office.

To complete Form W-9 if you do not have a TIN, write "Applied For" in the space for the TIN in Part I, sign and date the form, and give it to the requester. Generally, you will then have 60 days to obtain a TIN and furnish it to the requester. If the requester does not receive your TIN within 60 days, backup withholding, if applicable, will begin

and continue until you furnish your TIN to the requester. For reportable interest or dividend payments, the payer must exercise one of the following options concerning backup withholding during this 60-day period. Under option (1), a payer must backup withhold on any withdrawals you make from your account after 7 business days after the requester receives this form back from you. Under option (2), the payer must backup withhold on any reportable interest or dividend payments made to your account, regardless of whether you make any withdrawals. The backup withholding under option (2) must begin no later than 7 business days after the requester receives this form back. Under option (2) the payer is required to refund the amounts withheld if your certified TIN is received within the 60-day period and you were not subject to backup withholding during that period.

Note: Writing "Applied For" on the form means that you have already applied for a TIN OR that you intend to apply for one in the near future.

As soon as you receive your TIN, complete another Form W-9, include your TIN, sign and date the form, and give it to the requester.

What Is Backup Withholding?—Persons making certain payments to you are required to withhold and pay to IRS 20% of such payments under certain conditions. This is called "backup withholding." Payments that could be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee compensation, and certain payments from fishing boat operators, but do not include real estate transactions.

If you give the requester your correct TIN, make the appropriate certifications, and report all your taxable interest and dividends on your tax return, your payments will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

- (1) You do not furnish your TIN to the requester, or
- (2) IRS notifies the requester that you furnished an incorrect TIN, or
- (3) You are notified by IRS that you are subject to backup withholding because you failed to report all your interest and dividends on your tax return (for interest and dividend accounts only), or
- (4) You fail to certify to the requester that you are not subject to backup withholding under (3) above (for interest and dividend accounts opened after 1983 only), or
- (5) You fail to certify your TIN. This applies only to interest, dividend, broker, or barter exchange accounts opened after 1983, or broker accounts considered inactive in 1983.

For other payments, you are subject to backup withholding only if (1) or (2) above applies.

Certain payees and payments are exempt from backup withholding and information reporting. See *Payees and Payments Exempt From Backup Withholding*, below, and *Exempt Payees and Payments under Specific Instructions*, on page 2, if you are an exempt payee.

Payees and Payments Exempt From Backup Withholding.—The following is a list of payees exempt from backup withholding and for which no information reporting is required. For interest and dividends, all listed payees are exempt except item (9). For broker transactions, payees listed in (1) through (13), and a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker are exempt. Payments subject to reporting under sections 6041 and 6041A are generally exempt from backup withholding only if made to payees described in items (1) through (7), except that a corporation that provides medical and health care services or bills and collects payments for such services is not exempt from backup withholding or



Joan Finney, Governor

KANSAS

DEPARTMENT OF COMMERCE
Trade Development Division

Laura E. Nicholl
Secretary

James E. Beckley
Director

March 3, 1992

RE:

Dear :

The Kansas Trade Show Assistance Program (KTSAP) Agreement requires participating firms to submit both a post-show and a six (6) month evaluation report concerning each trade show approved, attended and funded under KTSAP by the Kansas Department of Commerce (KDOC). The first part of these two reports, the post show evaluation form, is enclosed. To receive KTSAP reimbursement, this initial report must be postmarked for return no later than two (2) months from the last day of the KTSAP supported trade show. In addition, the KDOC, in order to process your application needs all invoices and/or payments for which your firm is claiming reimbursement under KTSAP.

Your evaluation reports are important; they will not only allow the Trade Development Division of the KDOC to determine the effectiveness of the KTSAP program, but they will also influence the legislature's funding and continued support of this program.

The Kansas Trade Show Assistance Program appreciates this opportunity to assist your firm in its effort to expand internationally. If we can be of further assistance or if you have any comments or suggestions, please feel free to contact the Trade Development Division at (913) 296-4027. We look forward to reading your trade show evaluations!

Sincerely,

Wesley Jaeger
Manager
Trade Show Assistance Program

enclosures

D

Kansas Department of Commerce
Trade Development Division
Kansas Trade Show Assistance Program

Post-Show Evaluation

- 1. Company Name: _____
- 2. Contact Person: _____
- 3. Show Attended: _____
- 4. Show Dates: _____
- 5. Show Location: _____
- 6. Exhibition Objectives and Satisfaction:

<u>Objective</u>	<u>Satisfied (Yes, No, N/A)?</u>
A. Find Sales Representative	_____
B. Find Licensee	_____
C. Find Joint Venture Partner	_____
D. Immediate Sales During Show	_____
E. Market Exposure	_____
F. Test Market	_____

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7. Result of Participation in Show:

- A. Number of sales leads: _____
- B. Number of sales leads Under negotiation: _____
- C. Number of agent/representative agreements signed: _____
- D. Number of agent/representative agreements under negotiation: _____
- E. Number of licensee agreements signed: _____
- F. Number of licensee agreements under negotiation: _____
- G. Number of joint venture agreements signed: _____
- H. Number of joint venture agreements under negotiation: _____
- I. US\$ value of export sales during show: _____
- J. Estimated sales over next six months: _____

