

AGENCY QUESTIONNAIRE FOR IMPORTERS

1. How many agents do you use? Are there agency agreements with each of the agents?
2. Do the existing agency agreements reflect current business conditions and methods of operations?
3. Is there documentation available showing when and how you evaluated each agent? Exactly what services does each agent provide?
4. How did you determine that the agent is *bona fide*? Provide documentation of the determination.
5. Is the agent or any of its owners related to any of the foreign suppliers or manufacturers with whom you do business? Does the agent or any of its owners have a financial interest in any of the foreign suppliers or manufacturers with whom you do business?
6. If the agent is related to one or more foreign suppliers. Do you always buy from those suppliers? Can you use the agent, but not use one of the suppliers related to the agent? Can you buy from the related suppliers without using the agent?
7. Do you purchase goods from any of the agents with whom you deal?
8. Is any agent related to, or does any agent have a financial interest in, your company?
9. Has any agent been the importer of record for any orders placed on your behalf?
10. Does the agent maintain an inventory of products? Do you buy from that inventory?
11. Do your employees travel with agents to visit foreign suppliers or manufacturers? Is documentation available to support the visits which have taken place, e.g., trip reports, travel vouchers, etc.?
12. Do you hold the agent responsible for late shipment, damaged or defective merchandise? If so, under what circumstances would the agent be liable and would the agent be liable for damages beyond the commissions paid to it, in all transactions or in the specific transaction at issue?
13. Do you pay the agent or the supplier for the merchandise? What are the arrangements for compensating the agent?
14. Do you reimburse the agent for expenses such as shipping and handling, and, if so, do you require third party documentation?
15. Does your purchase order identify the agent? If so, in what capacity? Does your purchase order name the supplier and/or factory?
16. Do you visit suppliers or factories and do you participate in price negotiations?

17. Does the agent have the authority to change price or delivery terms, etc.?
18. Do you pay the agent a fixed commission or does it vary transaction by transaction?
19. Have you disclosed the existence of the agency relationships to Customs and Border Protection? If so, how?
20. What role, if any, does the agent play in designing the goods?
21. Does any agent own, or is a licensee of, trademarks, copyrights or patents used on goods purchased through it? If so, do you pay a royalty to the agent? Is the royalty included as part of the commission? If not, is it covered in a separate invoice and separate payment?

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