

COMMERCIAL DUE DILIGENCE CHECKLIST



If you are preparing to raise funds, this checklist will help you prepare for the commercial stage of due diligence. These are some of the items we may request during **COMMERCIAL** due diligence.

SET THE SCENE

- Pitch Deck including:
 - Total addressable market (TAM)
 - Founding team information
 - Timing
 - Traction achieved to date
- Capitalisation (Cap) Table

DIRECTORS & HR

- Register of Directors & Company Officers and Advisors. Include their remuneration, duties, names, addresses and emails.
- Organisational Chart - including advisors.
- Employee / Advisor remuneration, superannuation, option and bonus plans details.
- Summary of the core co-founding team; bios, resume and any research of note.

COMPETITIVE ANALYSIS

- Profile of key competitors including;
 - Funds raised (Seed / VC / Angel)
 - Time in market
 - Headcount
 - Location / Head Office
 - Key product features & pricing differences
 - Notable team members and founders.

FINANCES & DOCUMENTATION

- Financial statements of the company for all years & notice of assessment from the Australian Taxation Office (ATO).
 - Balance Sheet
 - BAS
 - Profit & Loss
- Financial model for the business for the next 18 - 24 months.
- Details of any loans or debt / credit facilities.
- Agreements of any hire purchase, finance leasing, mortgages or security.
- Details of any guarantees or indemnities given by the company or its directors.
- Details of any government subsidies or grants received or applied for.
- Details of any insurance policies.

SALES & MARKETING

- Sales & Marketing Plan for next 18 months including target markets, distribution plans, marketing channels and sales strategy.
- Current marketing activity including; expenditure, campaigns and results.

LEGAL DUE DILIGENCE CHECKLIST



If you are preparing to raise funds, this checklist will help you prepare for the stage of due diligence which examines the **LEGAL** aspects of your entity.

COMPANY INFORMATION & DOCUMENTATION

Corporate Structure (including all related entities including their registered office address, ABN and ACN)

List of Shareholders including the names, addresses or entity details of all shareholders and any outstanding claims to equity including via SAFE notes.

Details of any Government legislation or permits required to conduct business.

 Constitution

 Shareholders' Agreement

 Members' Register

CONFLICT

Details of any actual, pending or threatened litigation or disputes.

CONTRACTS & AGREEMENTS

Material contracts including any significant third party agreements.

Related party contracts and agreements.

Employee / Contractor agreements and any standard terms of employment.

INTELLECTUAL PROPERTY

Details of any Intellectual Property arrangements including a note of any breaches.

IP assignment deeds and licensing agreements.

Copies of policies and procedures around the protection of intellectual property.

Details of any intellectual property, used by the company which includes registered trademarks, designs, domain names, software copyright (open source, licensed software and APIs).