

## Small Business Administration

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and Borrowers, CDCs, and SBA must comply with the terms and conditions of the corresponding notes and Debentures, and the regulations in this part in effect when the obligations were undertaken or last in effect, if applicable.

### § 120.991 Effect of other laws.

No State or local law may preclude or limit SBA's exercise of its rights with respect to notes, guarantees, Debentures and Debenture Pools, or of its enforcement rights to foreclose on collateral.

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AUTHORITY: 15 U.S.C. 632(a), 634(b)(6), 637(a), 644(c), and 662(5); and Sec. 304, Pub. L. 103–403, 108 Stat. 4175, 4188.

SOURCE: 61 FR 3286, Jan. 31, 1996, unless otherwise noted.

### **Subpart A—Size Eligibility Provisions and Standards**

#### **PROVISIONS OF GENERAL APPLICABILITY**

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### § 121.101 What are SBA size standards?

(a) SBA's size standards define whether a business entity is small and, thus, eligible for Government programs and preferences reserved for "small business" concerns. Size standards have been established for types of economic activity, or industry, generally under the North American Industry Classification System (NAICS).

(b) NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; by calling 1(800) 553-6847 or 1(703) 605-6000; or via the Internet at <http://www.ntis.gov/yellowbk/Inty205.htm>. The manual includes definitions for each industry, tables showing relationships between 1997 NAICS and 1987 SICs, and a comprehensive index. NAICS assigns codes to all economic activity within twenty broad sectors. Section 121.201 provides a full table of small business size standards matched to the U.S. NAICS industry codes. A full table matching a size standard with each NAICS Industry or U.S. Industry code is also published annually by SBA in the FEDERAL REGISTER.

[65 FR 30840, May 15, 2000]

### § 121.102 How does SBA establish size standards?

(a) SBA considers economic characteristics comprising the structure of an industry, including degree of competition, average firm size, start-up costs and entry barriers, and distribution of firms by size. It also considers technological changes, competition from other industries, growth trends, historical activity within an industry, unique factors occurring in the industry which may distinguish small firms from other firms, and the objectives of its programs and the impact on those programs of different size standard levels.

(b) As part of its review of a size standard, SBA will investigate if any concern at or below a particular standard would be dominant in the industry. SBA will take into consideration market share of a concern and other appropriate factors which may allow a con-

cern to exercise a major controlling influence on a national basis in which a number of business concerns are engaged. Size standards seek to ensure that a concern that meets a specific size standard is not dominant in its field of operation.

(c) Please address any requests to change existing size standards or establish new ones for emerging industries to the Assistant Administrator for Size Standards, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

### § 121.103 What is affiliation?

(a) *General Principles of Affiliation.* (1) Concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(2) SBA considers factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, in determining whether affiliation exists.

(3) Individuals or firms that have identical or substantially identical business or economic interests, such as family members, persons with common investments, or firms that are economically dependent through contractual or other relationships, may be treated as one party with such interests aggregated.

(4) SBA counts the receipts or employees of the concern whose size is at issue and those of all its domestic and foreign affiliates, regardless of whether the affiliates are organized for profit, in determining the concern's size.

(b) *Exclusion from affiliation coverage.*

(1) Business concerns owned in whole or substantial part by investment companies licensed, or development companies qualifying, under the Small Business Investment Act of 1958, as amended, are not considered affiliates of such investment companies or development companies.

(2) Business concerns owned and controlled by Indian Tribes, Alaska Regional or Village Corporations organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601), Native Hawaiian Organizations, or Community Development Corporations authorized by 42 U.S.C. 9805 are not

considered affiliates of such entities, or with other concerns owned by these entities solely because of their common ownership.

(3) Business concerns which are part of an SBA approved pool of concerns for a joint program of research and development as authorized by the Small Business Act are not affiliates of one another because of the pool.

(4) Business concerns which lease employees from concerns primarily engaged in leasing employees to other businesses or which enter into a co-employer arrangement with a Professional Employer Organization (PEO) are not affiliated with the leasing company or PEO solely on the basis of a leasing agreement.

(5) For financial, management or technical assistance under the Small Business Investment Act of 1958, as amended, (an applicant is not affiliated with the investors listed in paragraphs (b)(5) (i) through (vi) of this section.

(i) Venture capital operating companies, as defined in the U.S. Department of Labor regulations found at 29 CFR 2510.3-101(d);

(ii) Employee benefit or pension plans established and maintained by the Federal government or any state, or their political subdivisions, or any agency or instrumentality thereof, for the benefit of employees;

(iii) Employee benefit or pension plans within the meaning of the Employee Retirement Income Security Act of 1974, as amended (29 U.S.C. 1001, *et seq.*);

(iv) Charitable trusts, foundations, endowments, or similar organizations exempt from Federal income taxation under section 501(c) of the Internal Revenue Code of 1986, as amended (26 U.S.C. 501(c));

(v) Investment companies registered under the Investment Company Act of 1940, as amended (1940 Act) (15 U.S.C. 80a-1, *et seq.*); and

(vi) Investment companies, as defined under the 1940 Act, which are not registered under the 1940 Act because they are beneficially owned by less than 100 persons, if the company's sales literature or organizational documents indicate that its principal purpose is investment in securities rather than

the operation of commercial enterprises.

(6) A protege firm is not an affiliate of a mentor firm solely because the protege firm receives assistance from the mentor firm under Federal Mentor-Protege programs.

(c) *Affiliation based on stock ownership.* (1) A person is an affiliate of a concern if the person owns or controls, or has the power to control 50 percent or more of its voting stock, or a block of stock which affords control because it is large compared to other outstanding blocks of stock.

(2) If two or more persons each owns, controls or has the power to control less than 50 percent of the voting stock of a concern, with minority holdings that are equal or approximately equal in size, but the aggregate of these minority holdings is large as compared with any other stock holding, each such person is presumed to be an affiliate of the concern.

(d) *Affiliation arising under stock options, convertible debentures, and agreements to merge.* Since stock options, convertible debentures, and agreements to merge (including agreements in principle) affect the power to control a concern, SBA treats them as though the rights granted have been exercised (except that an affiliate cannot use them to appear to terminate control over another concern before it actually does so). SBA gives present effect to an agreement to merge or sell stock whether such agreement is unconditional, conditional, or finalized but unexecuted. Agreements to open or continue negotiations towards the possibility of a merger or a sale of stock at some later date are not considered "agreements in principle" and, thus, are not given present effect.

(e) *Affiliation based on common management.* Affiliation arises where one or more officers, directors or general partners controls the board of directors and/or the management of another concern.

(f) *Affiliation based on joint venture arrangements.* (1) Parties to a joint venture are affiliates if any one of them seeks SBA financial assistance for use in connection with the joint venture.

(2) Except as provided in paragraph (f)(3) of this section, concerns submitting offers on a particular procurement or property sale as joint venturers are affiliated with each other with regard to the performance of that contract.

(3) *Exclusion from affiliation.* (i) A joint venture or teaming arrangement of two or more business concerns may submit an offer as a small business for a Federal procurement without regard to affiliation under this paragraph (f) so long as each concern is small under the size standard corresponding to the NAICS code assigned to the contract, provided:

(A) The procurement qualifies as a “bundled” requirement, at any dollar value, within the meaning of §125.2(d)(1)(i) of this chapter; or

(B) The procurement is other than a “bundled” requirement within the meaning of §125.2(d)(1)(i) of this chapter, and:

(I) For a procurement having a revenue-based size standard, the dollar value of the procurement, including options, exceeds half the size standard corresponding to the NAICS code assigned to the contract; or

(2) For a procurement having an employee-based size standard, the dollar value of the procurement, including options, exceeds \$10 million.

(ii) A joint venture or teaming arrangement of at least one 8(a) Participant and one or more other business concerns may submit an offer for a competitive 8(a) procurement without regard to affiliation under paragraph (f) of this section so long as the requirements of 13 CFR 124.513(b)(1) are met.

(iii) Two firms approved by SBA to be a mentor and protege under 13 CFR 124.520 may joint venture as a small business for any Federal Government procurement, provided the protege qualifies as small for the size standard corresponding to the NAICS code assigned to the procurement and, for purposes of 8(a) sole source requirements, has not reached the dollar limit set forth in 13 CFR 124.519.

(4) A contractor and subcontractor are treated as joint venturers if the ostensible subcontractor will perform primary and vital requirements of a contract or if the prime contractor is

unusually reliant upon the ostensible subcontractor. All requirements of the contract are considered in reviewing such relationship, including contract management, technical responsibilities, and the percentage of subcontracted work.

(5) For size purposes, a concern must include in its revenues its proportionate share of joint venture receipts.

(g) *Affiliation based on franchise and license agreements.* The restraints imposed on a franchisee or licensee by its franchise or license agreement relating to standardized quality, advertising, accounting format and other similar provisions, generally will not be considered in determining whether the franchisor or licensor is affiliated with the franchisee or licensee provided the franchisee or licensee has the right to profit from its efforts and bears the risk of loss commensurate with ownership. Affiliation may arise, however, through other means, such as common ownership, common management or excessive restrictions upon the sale of the franchise interest.

[61 FR 3286, Jan. 31, 1996, as amended at 62 FR 26381, May 14, 1997; 63 FR 35738, June 30, 1998; 64 FR 57370, Oct. 25, 1999; 65 FR 30840, May 15, 2000; 65 FR 35812, June 6, 2000; 65 FR 45833, July 26, 2000]

#### § 121.104 How does SBA calculate annual receipts?

(a) *Definitions.* In determining annual receipts of a concern:

(1) *Receipts* means “total income” (or in the case of a sole proprietorship, “gross income”) plus “cost of goods sold” as these terms are defined or reported on Internal Revenue Service (IRS) Federal tax return forms; Form 1120 for corporations; Form 1120S for Subchapter S corporations; Form 1065 for partnerships; and Form 1040, Schedule F for farm or Schedule C for sole proprietorships). However, the term receipts excludes net capital gains or losses, taxes collected for and remitted to a taxing authority if included in gross or total income, proceeds from the transactions between a concern and its domestic or foreign affiliates (if also excluded from gross or total income on a consolidated return filed with the IRS), and amounts collected

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for another by a travel agent, real estate agent, advertising agent, conference management service provider, freight forwarder or customs broker.

(2) *Completed fiscal year* means a taxable year including any short period. Taxable year and short period have the meaning attributed to them by the IRS.

(3) Unless otherwise defined in this section, all terms shall have the meaning attributed to them by the IRS.

(b) *Period of measurement.* (1) Annual receipts of a concern which has been in business for 3 or more completed fiscal years means the receipts of the concern over its last 3 completed fiscal years divided by three.

(2) Annual receipts of a concern which has been in business for less than 3 complete fiscal years means the receipts for the period the concern has been in business divided by the number of weeks in business, multiplied by 52.

(3) Annual receipts of a concern which has been in business 3 or more complete fiscal years but has a short year as one of those years means the receipts for the short year and the two full fiscal years divided by the number of weeks in the short year and the two full fiscal years, multiplied by 52.

(c) *Use of information other than the Federal tax return.* Where other information gives SBA reason to regard Federal Income Tax returns as false, SBA may base its size determination on such other information.

(d) *Annual receipts of affiliates.* (1) If a concern has acquired an affiliate or been acquired as an affiliate during the applicable averaging period or before small business self-certification, the annual receipts in determining size status include the receipts of both firms. Furthermore, this aggregation applies for the entire applicable period used in computing size rather than only for the period after the affiliation arose. Receipts are determined for the concern and its affiliates in accordance with paragraph (b) of this section even though this may result in different periods being used to calculate annual receipts.

(2) The annual receipts of a former affiliate are not included as annual receipts if affiliation ceased before the date used for determining size. This ex-

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clusion of annual receipts of a former affiliate applies during the entire period used in computing size, rather than only for the period after which the affiliation ceased.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 48604, Aug. 9, 2000]

### § 121.105 How does SBA define “business concern or concern”?

(a) A business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor.

(b) A business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.

(c) A firm will not be treated as a separate business concern if a substantial portion of its assets and/or liabilities are the same as those of a predecessor entity. In such a case, the annual receipts and employees of the predecessor will be taken into account in determining size.

### § 121.106 How does SBA calculate number of employees?

(a) Employees counted in determining size include all individuals employed on a full-time, part-time, temporary, or other basis. SBA will consider the totality of the circumstances, including factors relevant for tax purposes, in determining whether individuals are employees of the concern in question.

(b) Where the size standard is number of employees, the method for determining a concern's size includes the following principles:

(1) The average number of employees of the concern is used (including the employees of its domestic and foreign affiliates) based upon numbers of employees for each of the pay periods for

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the preceding completed 12 calendar months.

(2) Part-time and temporary employees are counted the same as full-time employees.

(3) If a concern has not been in business for 12 months, the average number of employees is used for each of the pay periods during which it has been in business.

(4) The treatment of employees of former affiliates or recently acquired affiliates is the same as for size determinations using annual receipts in § 121.104(d).

### § 121.107 How does SBA determine a concern's "primary industry"?

In determining the primary industry in which a concern or a concern combined with its affiliates is engaged, SBA considers the distribution of receipts, employees and costs of doing business among the different industries in which business operations occurred for the most recently completed fiscal year. SBA may also consider other factors, such as the distribution of patents, contract awards, and assets.

### § 121.108 What are the penalties for misrepresentation of size status?

In addition to other laws which may be applicable, section 16(d) of the Small

Business Act, 15 U.S.C. 645(d), provides severe criminal penalties for knowingly misrepresenting the small business size status of a concern in connection with procurement programs. Section 16(a) of the Act also provides, in part, for criminal penalties for knowingly making false statements or misrepresentations to SBA for the purpose of influencing in any way the actions of the Agency.

### SIZE STANDARDS USED TO DEFINE SMALL BUSINESS CONCERNS

### § 121.201 What size standards has SBA identified by North American Industry Classification System codes?

The size standards described in this section apply to all SBA programs unless otherwise specified in this part. The size standards themselves are expressed either in number of employees or annual receipts in millions of dollars, unless otherwise specified. The number of employees or annual receipts indicates the maximum allowed for a concern and its affiliates to be considered small.

#### SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Sector 11—Agriculture, Forestry and Fishing</b>		
<b>Subsector 111—Crop Production</b>		
111110 .....	Soybean Farming .....	\$0.5
111120 .....	Oilseed (except Soybean) Farming .....	\$0.5
111130 .....	Dry Pea and Bean Farming .....	\$0.5
111140 .....	Wheat Farming .....	\$0.5
111150 .....	Corn Farming .....	\$0.5
111160 .....	Rice Farming .....	\$0.5
111191 .....	Oilseed and Grain Combination Farming .....	\$0.5
111199 .....	All Other Grain Farming .....	\$0.5
112111 .....	Potato Farming .....	\$0.5
112119 .....	Other Vegetable (except Potato) and Melon Farming .....	\$0.5
112130 .....	Orange Groves .....	\$0.5
112132 .....	Citrus (except Orange) Groves .....	\$0.5
112133 .....	Apple Orchards .....	\$0.5
112132 .....	Grape Vineyards .....	\$0.5
112133 .....	Strawberry Farming .....	\$0.5
112134 .....	Berry (except Strawberry) Farming .....	\$0.5
112135 .....	Tree Nut Farming .....	\$0.5
112136 .....	Fruit and Tree Nut Combination Farming .....	\$0.5
112139 .....	Other Noncitrus Fruit Farming .....	\$0.5

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
111411 .....	Mushroom Production .....	.....\$0.5
111419 .....	Other Food Crops Grown Under Cover .....	.....\$0.5
111421 .....	Nursery and Tree Production .....	.....\$0.5
111422 .....	Floriculture Production .....	.....\$0.5
111910 .....	Tobacco Farming .....	.....\$0.5
111920 .....	Cotton Farming .....	.....\$0.5
111930 .....	Sugarcane Farming .....	.....\$0.5
111940 .....	Hay Farming .....	.....\$0.5
111991 .....	Sugar Beet Farming .....	.....\$0.5
111992 .....	Peanut Farming .....	.....\$0.5
111998 .....	All Other Miscellaneous Crop Farming .....	.....\$0.5
<b>Subsector 112—Animal Production</b>		
112111 .....	Beef Cattle Ranching and Farming .....	.....\$0.5
112112 .....	Cattle Feedlots .....	.....\$1.5
112120 .....	Dairy Cattle and Milk Production .....	.....\$0.5
112210 .....	Hog and Pig Farming .....	.....\$0.5
112310 .....	Chicken Egg Production .....	.....\$9.0
112320 .....	Broilers and Other Meat Type Chicken Production .....	.....\$0.5
112330 .....	Turkey Production .....	.....\$0.5
112340 .....	Poultry Hatcheries .....	.....\$0.5
112390 .....	Other Poultry Production .....	.....\$0.5
112410 .....	Sheep Farming .....	.....\$0.5
112420 .....	Goat Farming .....	.....\$0.5
112511 .....	Finfish Farming and Fish Hatcheries .....	.....\$0.5
112512 .....	Shellfish Farming .....	.....\$0.5
112519 .....	Other Animal Aquaculture .....	.....\$0.5
112910 .....	Apiculture .....	.....\$0.5
112920 .....	Horse and Other Equine Production .....	.....\$0.5
112930 .....	Fur-Bearing Animal and Rabbit Production .....	.....\$0.5
112990 .....	All Other Animal Production .....	.....\$0.5
<b>Subsector 113—Forestry and Logging</b>		
113110 .....	Timber Tract Operations .....	.....\$5.0
113210 .....	Forest Nurseries and Gathering of Forest Products .....	.....\$5.0
113310 .....	Logging .....	.....500
<b>Subsector 114—Fishing, Hunting and Trapping</b>		
114111 .....	Finfish Fishing .....	.....\$3.0
114112 .....	Shellfish Fishing .....	.....\$3.0
114119 .....	Other Marine Fishing .....	.....\$3.0
114210 .....	Hunting and Trapping .....	.....\$3.0
<b>Subsector 115—Support Activities for Agriculture and Forestry</b>		
115111 .....	Cotton Ginning .....	.....\$5.0
115112 .....	Soil Preparation, Planting, and Cultivating .....	.....\$5.0
115113 .....	Crop Harvesting, Primarily by Machine .....	.....\$5.0
115114 .....	Postharvest Crop Activities (except Cotton Ginning) .....	.....\$5.0
115115 .....	Farm Labor Contractors and Crew Leaders .....	.....\$5.0
115116 .....	Farm Management Services .....	.....\$5.0
115210 .....	Support Activities for Animal Production .....	.....\$5.0
115310 .....	Support Activities for Forestry .....	.....\$5.0
<b>Sector 21—Mining</b>		
<b>Subsector 211—Oil and Gas Extraction</b>		
211111 .....	Crude Petroleum and Natural Gas Extraction .....	.....500
211112 .....	Natural Gas Liquid Extraction .....	.....500
<b>Subsector 212—Mining (except Oil and Gas)</b>		
212111 .....	Bituminous Coal and Lignite Surface Mining .....	.....500
212112 .....	Bituminous Coal Underground Mining .....	.....500



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### SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
212113 .....	Anthracite Mining .....	.....500
212210 .....	Iron Ore Mining .....	.....500
212221 .....	Gold Ore Mining .....	.....500
212222 .....	Silver Ore Mining .....	.....500
212231 .....	Lead Ore and Zinc Ore Mining .....	.....500
212234 .....	Copper Ore and Nickel Ore Mining .....	.....500
212291 .....	Uranium-Radium-Vanadium Ore Mining .....	.....500
212299 .....	All Other Metal Ore Mining .....	.....500
212311 .....	Dimension Stone Mining and Quarrying .....	.....500
212312 .....	Crushed and Broken Limestone Mining and Quarrying .....	.....500
212313 .....	Crushed and Broken Granite Mining and Quarrying .....	.....500
212319 .....	Other Crushed and Broken Stone Mining and Quarrying .....	.....500
212321 .....	Construction Sand and Gravel Mining .....	.....500
212322 .....	Industrial Sand Mining .....	.....500
212324 .....	Kaolin and Ball Clay Mining .....	.....500
212325 .....	Clay and Ceramic and Refractory Minerals Mining .....	.....500
212391 .....	Potash, Soda, and Borate Mineral Mining .....	.....500
212392 .....	Phosphate Rock Mining .....	.....500
212393 .....	Other Chemical and Fertilizer Mineral Mining .....	.....500
212399 .....	All Other Nonmetallic Mineral Mining .....	.....500
<b>Subsector 213—Support Activities for Mining</b>		
213111 .....	Drilling Oil and Gas Wells .....	.....500
213112 .....	Support Activities for Oil and Gas Operations .....	.....\$5.0
213113 .....	Support Activities for Coal Mining .....	.....\$5.0
213114 .....	Support Activities for Metal Mining .....	.....\$5.0
213115 .....	Support Activities for Nonmetallic Minerals (except Fuels) .....	.....\$5.0
<b>Sector 22—Utilities</b>		
<b>Subsector 221—Utilities</b>		
221111 .....	Hydroelectric Power Generation .....	4 mil megawatt hours <sup>1</sup>
221112 .....	Fossil Fuel Electric Power Generation .....	4 mil megawatt hours <sup>1</sup>
221113 .....	Nuclear Electric Power Generation .....	4 mil megawatt hours <sup>1</sup>
221119 .....	Other Electric Power Generation .....	4 mil megawatt hours <sup>1</sup>
221121 .....	Electric Bulk Power Transmission and Control .....	4 mil megawatt hours <sup>1</sup>
221122 .....	Electric Power Distribution .....	4 mil megawatt hours <sup>1</sup>
221210 .....	Natural Gas Distribution .....	.....500
221310 .....	Water Supply and Irrigation Systems .....	.....\$5.0
221320 .....	Sewage Treatment Facilities .....	.....\$5.0
221330 .....	Steam and Air-Conditioning Supply .....	.....\$9.0
<b>Sector 23—Construction</b>		
<b>Subsector 233—Building, Developing and General Contracting</b>		
233110 .....	Land Subdivision and Land Development .....	.....\$5.0
233210 .....	Single Family Housing Construction .....	.....\$27.5
233220 .....	Multifamily Housing Construction .....	.....\$27.5
233310 .....	Manufacturing and Industrial Building Construction .....	.....\$27.5
233320 .....	Commercial and Institutional Building Construction .....	.....\$27.5

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Subsector 234—Heavy Construction</b>		
234110 .....	Highway and Street Construction .....	.....\$27.5
234120 .....	Bridge and Tunnel Construction .....	.....\$27.5
234910 .....	Water, Sewer, and Pipeline Construction .....	.....\$27.5
234920 .....	Power and Communication Transmission Line Construction .....	.....\$27.5
234930 .....	Industrial Nonbuilding Structure Construction .....	.....\$27.5
234990 .....	All Other Heavy Construction .....	.....\$27.5
EXCEPT	Except Dredging and Surface Cleanup Activities .....	.....\$17.0 <sup>2</sup>
<b>Subsector 235—Special Trade Contractors</b>		
235110 .....	Plumbing, Heating and Air-Conditioning Contractors .....	.....\$11.5
235210 .....	Painting and Wall Covering Contractors .....	.....\$11.5
235310 .....	Electrical Contractors .....	.....\$11.5
235410 .....	Masonry and Stone Contractors .....	.....\$11.5
235420 .....	Drywall, Plastering, Acoustical and Insulation Contractors .....	.....\$11.5
235430 .....	Tile, Marble, Terrazzo and Mosaic Contractors .....	.....\$11.5
235510 .....	Carpentry Contractors .....	.....\$11.5
235520 .....	Floor Laying and Other Floor Contractors .....	.....\$11.5
235610 .....	Roofing, Siding and Sheet Metal Contractors .....	.....\$11.5
235710 .....	Concrete Contractors .....	.....\$11.5
235810 .....	Water Well Drilling Contractors .....	.....\$11.5
235910 .....	Structural Steel Erection Contractors .....	.....\$11.5
235920 .....	Glass and Glazing Contractors .....	.....\$11.5
235930 .....	Excavation Contractors .....	.....\$11.5
235940 .....	Wrecking and Demolition Contractors .....	.....\$11.5
235950 .....	Building Equipment and Other Machinery Installation Contractors .....	.....\$11.5
235990 .....	All Other Special Trade Contractors .....	.....\$11.5
EXCEPT	Base Housing Maintenance <sup>13</sup> .....	.....\$11.5 <sup>13</sup>
<b>Sectors 31–33—Manufacturing</b>		
<b>Subsector 311—Food Manufacturing</b>		
311111 .....	Dog and Cat Food Manufacturing .....	.....500
311119 .....	Other Animal Food Manufacturing .....	.....500
311211 .....	Flour Milling .....	.....500
311212 .....	Rice Milling .....	.....500
311213 .....	Malt Manufacturing .....	.....500
311221 .....	Wet Corn Milling .....	.....750
311222 .....	Soybean Processing .....	.....500
311223 .....	Other Oilseed Processing .....	.....1,000
311225 .....	Fats and Oils Refining and Blending .....	.....1,000
311230 .....	Breakfast Cereal Manufacturing .....	.....1,000
311311 .....	Sugarcane Mills .....	.....500
311312 .....	Cane Sugar Refining .....	.....750
311313 .....	Beet Sugar Manufacturing .....	.....750
311320 .....	Chocolate and Confectionery Manufacturing from Cacao Beans .....	.....500
311330 .....	Confectionery Manufacturing from Purchased Chocolate .....	.....500
311340 .....	Non-Chocolate Confectionery Manufacturing .....	.....500
311411 .....	Frozen Fruit, Juice and Vegetable Manufacturing .....	.....500
311412 .....	Frozen Specialty Food Manufacturing .....	.....500
311421 .....	Fruit and Vegetable Canning .....	.....500 <sup>3</sup>
311422 .....	Specialty Canning .....	.....1,000
311423 .....	Dried and Dehydrated Food Manufacturing .....	.....500
311511 .....	Fluid Milk Manufacturing .....	.....500
311512 .....	Creamery Butter Manufacturing .....	.....500
311513 .....	Cheese Manufacturing .....	.....500
311514 .....	Dry, Condensed, and Evaporated Dairy Product Manufacturing .....	.....500
311520 .....	Ice Cream and Frozen Dessert Manufacturing .....	.....500
311611 .....	Animal (except Poultry) Slaughtering .....	.....500
311612 .....	Meat Processed from Carcasses .....	.....500
311613 .....	Rendering and Meat By-product Processing .....	.....500
311615 .....	Poultry Processing .....	.....500
311711 .....	Seafood Canning .....	.....500
311712 .....	Fresh and Frozen Seafood Processing .....	.....500

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## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
311811 .....	Retail Bakeries .....	500
311812 .....	Commercial Bakeries .....	500
311813 .....	Frozen Cakes, Pies, and Other Pastries Manufacturing .....	500
311821 .....	Cookie and Cracker Manufacturing .....	750
311822 .....	Flour Mixes and Dough Manufacturing from Purchased Flour .....	500
311823 .....	Dry Pasta Manufacturing .....	500
311830 .....	Tortilla Manufacturing .....	500
311911 .....	Roasted Nuts and Peanut Butter Manufacturing .....	500
311919 .....	Other Snack Food Manufacturing .....	500
311920 .....	Coffee and Tea Manufacturing .....	500
311930 .....	Flavoring Syrup and Concentrate Manufacturing .....	500
311941 .....	Mayonnaise, Dressing and Other Prepared Sauce Manufacturing .....	500
311942 .....	Spice and Extract Manufacturing .....	500
311991 .....	Perishable Prepared Food Manufacturing .....	500
311999 .....	All Other Miscellaneous Food Manufacturing .....	500
<b>Subsector 312—Beverage and Tobacco Product Manufacturing</b>		
312111 .....	Soft Drink Manufacturing .....	500
312112 .....	Bottled Water Manufacturing .....	500
312113 .....	Ice Manufacturing .....	500
312120 .....	Breweries .....	500
312130 .....	Wineries .....	500
312140 .....	Distilleries .....	750
312210 .....	Tobacco Stemming and Redrying .....	500
312221 .....	Cigarette Manufacturing .....	1,000
312229 .....	Other Tobacco Product Manufacturing .....	500
<b>Subsector 313—Textile Mills</b>		
313111 .....	Yarn Spinning Mills .....	500
313112 .....	Yarn Texturizing, Throwing and Twisting Mills .....	500
313113 .....	Thread Mills .....	500
313210 .....	Broadwoven Fabric Mills .....	1,000
313221 .....	Narrow Fabric Mills .....	500
313222 .....	Schiffli Machine Embroidery .....	500
313230 .....	Nonwoven Fabric Mills .....	500
313241 .....	Wet Knit Fabric Mills .....	500
313249 .....	Other Knit Fabric and Lace Mills .....	500
313311 .....	Broadwoven Fabric Finishing Mills .....	1,000
313312 .....	Textile and Fabric Finishing (except Broadwoven Fabric) Mills .....	500
313320 .....	Fabric Coating Mills .....	1,000
<b>Subsector 314—Textile Product Mills</b>		
314110 .....	Carpet and Rug Mills .....	500
314121 .....	Curtain and Drapery Mills .....	500
314129 .....	Other Household Textile Product Mills .....	500
314911 .....	Textile Bag Mills .....	500
314912 .....	Canvas and Related Product Mills .....	500
314991 .....	Rope, Cordage and Twine Mills .....	500
314992 .....	Tire Cord and Tire Fabric Mills .....	1,000
314999 .....	All Other Miscellaneous Textile Product Mills .....	500
<b>Subsector 315—Apparel Manufacturing</b>		
315111 .....	Sheer Hosiery Mills .....	500
315119 .....	Other Hosiery and Sock Mills .....	500
315191 .....	Outerwear Knitting Mills .....	500
315192 .....	Underwear and Nightwear Knitting Mills .....	500
315211 .....	Men's and Boys' Cut and Sew Apparel Contractors .....	500
315212 .....	Women's, Girls', and Infants' Cut and Sew Apparel Contractors .....	500
315221 .....	Men's and Boys' Cut and Sew Underwear and Nightwear Manufacturing .....	500
315222 .....	Men's and Boys' Cut and Sew Suit, Coat and Overcoat Manufacturing .....	500
315223 .....	Men's and Boys' Cut and Sew Shirt (except Work Shirt) Manufacturing .....	500
315224 .....	Men's and Boys' Cut and Sew Trouser, Slack and Jean Manufacturing .....	500
315225 .....	Men's and Boys' Cut and Sew Work Clothing Manufacturing .....	500

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
315228 .....	Men's and Boys' Cut and Sew Other Outerwear Manufacturing .....	500
315231 .....	Women's and Girls' Cut and Sew Lingerie, Loungewear and Nightwear Manufacturing .....	500
315232 .....	Women's and Girls' Cut and Sew Blouse and Shirt Manufacturing .....	500
315233 .....	Women's and Girls' Cut and Sew Dress Manufacturing .....	500
315234 .....	Women's and Girls' Cut and Sew Suit, Coat, Tailored Jacket and Skirt Manufacturing .....	500
315239 .....	Women's and Girls' Cut and Sew Other Outerwear Manufacturing .....	500
315291 .....	Infants' Cut and Sew Apparel Manufacturing .....	500
315292 .....	Fur and Leather Apparel Manufacturing .....	500
315299 .....	All Other Cut and Sew Apparel Manufacturing .....	500
315991 .....	Hat, Cap and Millinery Manufacturing .....	500
315992 .....	Glove and Mitten Manufacturing .....	500
315993 .....	Men's and Boys' Neckwear Manufacturing .....	500
315999 .....	Other Apparel Accessories and Other Apparel Manufacturing .....	500
<b>Subsector 316—Leather and Allied Product Manufacturing</b>		
316110 .....	Leather and Hide Tanning and Finishing .....	500
316211 .....	Rubber and Plastics Footwear Manufacturing .....	1,000
316212 .....	House Slipper Manufacturing .....	500
316213 .....	Men's Footwear (except Athletic) Manufacturing .....	500
316214 .....	Women's Footwear (except Athletic) Manufacturing .....	500
316219 .....	Other Footwear Manufacturing .....	500
316991 .....	Luggage Manufacturing .....	500
316992 .....	Women's Handbag and Purse Manufacturing .....	500
316993 .....	Personal Leather Good (except Women's Handbag and Purse) Manufacturing .....	500
316999 .....	All Other Leather Good Manufacturing .....	500
<b>Subsector 321—Wood Product Manufacturing</b>		
321113 .....	Sawmills .....	500
321114 .....	Wood Preservation .....	500
321211 .....	Hardwood Veneer and Plywood Manufacturing .....	500
321212 .....	Softwood Veneer and Plywood Manufacturing .....	500
321213 .....	Engineered Wood Member (except Truss) Manufacturing .....	500
321214 .....	Truss Manufacturing .....	500
321219 .....	Reconstituted Wood Product Manufacturing .....	500
321911 .....	Wood Window and Door Manufacturing .....	500
321912 .....	Cut Stock, Resawing Lumber, and Planing .....	500
321918 .....	Other Millwork (including Flooring ) .....	500
321920 .....	Wood Container and Pallet Manufacturing .....	500
321991 .....	Manufactured Home (Mobile Home) Manufacturing .....	500
321992 .....	Prefabricated Wood Building Manufacturing .....	500
321999 .....	All Other Miscellaneous Wood Product Manufacturing .....	500
<b>Subsector 322—Paper Manufacturing</b>		
322110 .....	Pulp Mills .....	750
322121 .....	Paper (except Newsprint) Mills .....	750
322122 .....	Newsprint Mills .....	750
322130 .....	Paperboard Mills .....	750
322211 .....	Corrugated and Solid Fiber Box Manufacturing .....	500
322212 .....	Folding Paperboard Box Manufacturing .....	750
322213 .....	Setup Paperboard Box Manufacturing .....	500
322214 .....	Fiber Can, Tube, Drum, and Similar Products Manufacturing .....	500
322215 .....	Non-Folding Sanitary Food Container Manufacturing .....	750
322221 .....	Coated and Laminated Packaging Paper and Plastics Film Manufacturing .....	500
322222 .....	Coated and Laminated Paper Manufacturing .....	500
322223 .....	Plastics, Foil, and Coated Paper Bag Manufacturing .....	500
322224 .....	Uncoated Paper and Multiwall Bag Manufacturing .....	500
322225 .....	Laminated Aluminum Foil Manufacturing for Flexible Packaging Uses .....	500
322226 .....	Surface-Coated Paperboard Manufacturing .....	500
322231 .....	Die-Cut Paper and Paperboard Office Supplies Manufacturing .....	500
322232 .....	Envelope Manufacturing .....	500
322233 .....	Stationery, Tablet, and Related Product Manufacturing .....	500
322291 .....	Sanitary Paper Product Manufacturing .....	500
322299 .....	All Other Converted Paper Product Manufacturing .....	500

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### SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Subsector 323—Printing and Related Support Activities</b>		
323110 .....	Commercial Lithographic Printing .....	500
323111 .....	Commercial Gravure Printing .....	500
323112 .....	Commercial Flexographic Printing .....	500
323113 .....	Commercial Screen Printing .....	500
323114 .....	Quick Printing .....	500
323115 .....	Digital Printing .....	500
323116 .....	Manifold Business Forms Printing .....	500
323117 .....	Books Printing .....	500
323118 .....	Blankbook, Loose-leaf Binders and Devices Manufacturing .....	500
323119 .....	Other Commercial Printing .....	500
323121 .....	Tradebinding and Related Work .....	500
323122 .....	Prepress Services .....	500
<b>Subsector 324—Petroleum and Coal Products Manufacturing</b>		
324110 .....	Petroleum Refineries .....	1,500 <sup>4</sup>
324121 .....	Asphalt Paving Mixture and Block Manufacturing .....	500
324122 .....	Asphalt Shingle and Coating Materials Manufacturing .....	750
324191 .....	Petroleum Lubricating Oil and Grease Manufacturing .....	500
324199 .....	All Other Petroleum and Coal Products Manufacturing .....	500
<b>Subsector 325—Chemical Manufacturing</b>		
325110 .....	Petrochemical Manufacturing .....	1,000
325120 .....	Industrial Gas Manufacturing .....	1,000
325131 .....	Inorganic Dye and Pigment Manufacturing .....	1,000
325132 .....	Synthetic Organic Dye and Pigment Manufacturing .....	750
325181 .....	Alkalies and Chlorine Manufacturing .....	1,000
325182 .....	Carbon Black Manufacturing .....	500
325188 .....	All Other Basic Inorganic Chemical Manufacturing .....	1,000
325191 .....	Gum and Wood Chemical Manufacturing .....	500
325192 .....	Cyclic Crude and Intermediate Manufacturing .....	750
325193 .....	Ethyl Alcohol Manufacturing .....	1,000
325199 .....	All Other Basic Organic Chemical Manufacturing .....	1,000
325211 .....	Plastics Material and Resin Manufacturing .....	750
325212 .....	Synthetic Rubber Manufacturing .....	1,000
325221 .....	Cellulosic Organic Fiber Manufacturing .....	1,000
325222 .....	Noncellulosic Organic Fiber Manufacturing .....	1,000
325311 .....	Nitrogenous Fertilizer Manufacturing .....	1,000
325312 .....	Phosphatic Fertilizer Manufacturing .....	500
325314 .....	Fertilizer (Mixing Only) Manufacturing .....	500
325320 .....	Pesticide and Other Agricultural Chemical Manufacturing .....	500
325411 .....	Medicinal and Botanical Manufacturing .....	750
325412 .....	Pharmaceutical Preparation Manufacturing .....	750
325413 .....	In-Vitro Diagnostic Substance Manufacturing .....	500
325414 .....	Biological Product (except Diagnostic) Manufacturing .....	500
325510 .....	Paint and Coating Manufacturing .....	500
325520 .....	Adhesive Manufacturing .....	500
325611 .....	Soap and Other Detergent Manufacturing .....	750
325612 .....	Polish and Other Sanitation Good Manufacturing .....	500
325613 .....	Surface Active Agent Manufacturing .....	500
325620 .....	Toilet Preparation Manufacturing .....	500
325910 .....	Printing Ink Manufacturing .....	500
325920 .....	Explosives Manufacturing .....	750
325991 .....	Custom Compounding of Purchased Resins .....	500
325992 .....	Photographic Film, Paper, Plate and Chemical Manufacturing .....	500
325998 .....	All Other Miscellaneous Chemical Product and Preparation Manufacturing .....	500
<b>Subsector 326—Plastics and Rubber Products Manufacturing</b>		
326111 .....	Unsupported Plastics Bag Manufacturing .....	500
326112 .....	Unsupported Plastics Packaging Film and Sheet Manufacturing .....	500
326113 .....	Unsupported Plastics Film and Sheet (except Packaging) Manufacturing .....	500
326121 .....	Unsupported Plastics Profile Shapes Manufacturing .....	500
326122 .....	Plastics Pipe and Pipe Fitting Manufacturing .....	500

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
326130 .....	Laminated Plastics Plate, Sheet and Shape Manufacturing .....	500
326140 .....	Polystyrene Foam Product Manufacturing .....	500
326150 .....	Urethane and Other Foam Product (except Polystyrene) Manufacturing .....	500
326160 .....	Plastics Bottle Manufacturing .....	500
326191 .....	Plastics Plumbing Fixture Manufacturing .....	500
326192 .....	Resilient Floor Covering Manufacturing .....	750
326199 .....	All Other Plastics Product Manufacturing .....	500
326211 .....	Tire Manufacturing (except Retreading) .....	1,000 <sup>s</sup>
326212 .....	Tire Retreading .....	500
326220 .....	Rubber and Plastics Hoses and Belting Manufacturing .....	500
326291 .....	Rubber Product Manufacturing for Mechanical Use .....	500
326299 .....	All Other Rubber Product Manufacturing .....	500
<b>Subsector 327—Nonmetallic Mineral Product Manufacturing</b>		
327111 .....	Vitreous China Plumbing Fixture and China and Earthenware Bathroom Accessories Manufacturing .....	750
327112 .....	Vitreous China, Fine Earthenware and Other Pottery Product Manufacturing .....	500
327113 .....	Porcelain Electrical Supply Manufacturing .....	500
327121 .....	Brick and Structural Clay Tile Manufacturing .....	500
327122 .....	Ceramic Wall and Floor Tile Manufacturing .....	500
327123 .....	Other Structural Clay Product Manufacturing .....	500
327124 .....	Clay Refractory Manufacturing .....	500
327125 .....	Nonclay Refractory Manufacturing .....	750
327211 .....	Flat Glass Manufacturing .....	1,000
327212 .....	Other Pressed and Blown Glass and Glassware Manufacturing .....	750
327213 .....	Glass Container Manufacturing .....	750
327215 .....	Glass Product Manufacturing Made of Purchased Glass .....	500
327310 .....	Cement Manufacturing .....	750
327320 .....	Ready-Mix Concrete Manufacturing .....	500
327331 .....	Concrete Block and Brick Manufacturing .....	500
327332 .....	Concrete Pipe Manufacturing .....	500
327390 .....	Other Concrete Product Manufacturing .....	500
327410 .....	Lime Manufacturing .....	500
327420 .....	Gypsum Product Manufacturing .....	1,000
327910 .....	Abrasive Product Manufacturing .....	500
327991 .....	Cut Stone and Stone Product Manufacturing .....	500
327992 .....	Ground or Treated Mineral and Earth Manufacturing .....	500
327993 .....	Mineral Wool Manufacturing .....	750
327999 .....	All Other Miscellaneous Nonmetallic Mineral Product Manufacturing .....	500
<b>Subsector 331—Primary Metal Manufacturing</b>		
331111 .....	Iron and Steel Mills .....	1,000
331112 .....	Electrometallurgical Ferroalloy Product Manufacturing .....	750
331210 .....	Iron and Steel Pipe and Tube Manufacturing from Purchased Steel .....	1,000
331221 .....	Cold-Rolled Steel Shape Manufacturing .....	1,000
331222 .....	Steel Wire Drawing .....	1,000
331311 .....	Alumina Refining .....	1,000
331312 .....	Primary Aluminum Production .....	1,000
331314 .....	Secondary Smelting and Alloying of Aluminum .....	750
331315 .....	Aluminum Sheet, Plate and Foil Manufacturing .....	750
331316 .....	Aluminum Extruded Product Manufacturing .....	750
331319 .....	Other Aluminum Rolling and Drawing .....	750
331411 .....	Primary Smelting and Refining of Copper .....	1,000
331419 .....	Primary Smelting and Refining of Nonferrous Metal (except Copper and Aluminum) .....	750
331421 .....	Copper Rolling, Drawing and Extruding .....	750
331422 .....	Copper Wire (except Mechanical) Drawing .....	1,000
331423 .....	Secondary Smelting, Refining, and Alloying of Copper .....	750
331491 .....	Nonferrous Metal (except Copper and Aluminum) Rolling, Drawing and Extruding .....	750
331492 .....	Secondary Smelting, Refining, and Alloying of Nonferrous Metal (except Copper and Aluminum) .....	750
331511 .....	Iron Foundries .....	500
331512 .....	Steel Investment Foundries .....	500
331513 .....	Steel Foundries (except Investment) .....	500
331521 .....	Aluminum Die-Casting Foundries .....	500
331522 .....	Nonferrous (except Aluminum) Die-Casting Foundries .....	500

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## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
331524 .....	Aluminum Foundries (except Die-Casting) .....	500
331525 .....	Copper Foundries (except Die-Casting) .....	500
331528 .....	Other Nonferrous Foundries (except Die-Casting) .....	500
<b>Subsector 332—Fabricated Metal Product Manufacturing</b>		
332111 .....	Iron and Steel Forging .....	500
332112 .....	Nonferrous Forging .....	500
332114 .....	Custom Roll Forming .....	500
332115 .....	Crown and Closure Manufacturing .....	500
332116 .....	Metal Stamping .....	500
332117 .....	Powder Metallurgy Part Manufacturing .....	500
332211 .....	Cutlery and Flatware (except Precious) Manufacturing .....	500
332212 .....	Hand and Edge Tool Manufacturing .....	500
332213 .....	Saw Blade and Handsaw Manufacturing .....	500
332214 .....	Kitchen Utensil, Pot and Pan Manufacturing .....	500
332311 .....	Prefabricated Metal Building and Component Manufacturing .....	500
332312 .....	Fabricated Structural Metal Manufacturing .....	500
332313 .....	Plate Work Manufacturing .....	500
332321 .....	Metal Window and Door Manufacturing .....	500
332322 .....	Sheet Metal Work Manufacturing .....	500
332323 .....	Ornamental and Architectural Metal Work Manufacturing .....	500
332410 .....	Power Boiler and Heat Exchanger Manufacturing .....	500
332420 .....	Metal Tank (Heavy Gauge) Manufacturing .....	500
332431 .....	Metal Can Manufacturing .....	1,000
332439 .....	Other Metal Container Manufacturing .....	500
332510 .....	Hardware Manufacturing .....	500
332611 .....	Spring (Heavy Gauge) Manufacturing .....	500
332612 .....	Spring (Light Gauge) Manufacturing .....	500
332618 .....	Other Fabricated Wire Product Manufacturing .....	500
332710 .....	Machine Shops .....	500
332721 .....	Precision Turned Product Manufacturing .....	500
332722 .....	Bolt, Nut, Screw, Rivet and Washer Manufacturing .....	500
332811 .....	Metal Heat Treating .....	750
332812 .....	Metal Coating, Engraving (except Jewelry and Silverware), and Allied Services to Manufacturers .....	500
332813 .....	Electroplating, Plating, Polishing, Anodizing and Coloring .....	500
332911 .....	Industrial Valve Manufacturing .....	500
332912 .....	Fluid Power Valve and Hose Fitting Manufacturing .....	500
332913 .....	Plumbing Fixture Fitting and Trim Manufacturing .....	500
332919 .....	Other Metal Valve and Pipe Fitting Manufacturing .....	500
332991 .....	Ball and Roller Bearing Manufacturing .....	750
332992 .....	Small Arms Ammunition Manufacturing .....	1,000
332993 .....	Ammunition (except Small Arms) Manufacturing .....	1,500
332994 .....	Small Arms Manufacturing .....	1,000
332995 .....	Other Ordnance and Accessories Manufacturing .....	500
332996 .....	Fabricated Pipe and Pipe Fitting Manufacturing .....	500
332997 .....	Industrial Pattern Manufacturing .....	500
332998 .....	Enameled Iron and Metal Sanitary Ware Manufacturing .....	750
332999 .....	All Other Miscellaneous Fabricated Metal Product Manufacturing .....	500
<b>Subsector 333—Machinery Manufacturing<sup>6</sup></b>		
333111 .....	Farm Machinery and Equipment Manufacturing .....	500
333112 .....	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing .....	500
333120 .....	Construction Machinery Manufacturing .....	750
333131 .....	Mining Machinery and Equipment Manufacturing .....	500
333132 .....	Oil and Gas Field Machinery and Equipment Manufacturing .....	500
333210 .....	Sawmill and Woodworking Machinery Manufacturing .....	500
333220 .....	Plastics and Rubber Industry Machinery Manufacturing .....	500
333291 .....	Paper Industry Machinery Manufacturing .....	500
333292 .....	Textile Machinery Manufacturing .....	500
333293 .....	Printing Machinery and Equipment Manufacturing .....	500
333294 .....	Food Product Machinery Manufacturing .....	500
333295 .....	Semiconductor Machinery Manufacturing .....	500
333298 .....	All Other Industrial Machinery Manufacturing .....	500
333311 .....	Automatic Vending Machine Manufacturing .....	500

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
333312 .....	Commercial Laundry, Drycleaning and Pressing Machine Manufacturing .....	500
333313 .....	Office Machinery Manufacturing .....	1,000
333314 .....	Optical Instrument and Lens Manufacturing .....	500
333315 .....	Photographic and Photocopying Equipment Manufacturing .....	500
333319 .....	Other Commercial and Service Industry Machinery Manufacturing .....	500
333411 .....	Air Purification Equipment Manufacturing .....	500
333412 .....	Industrial and Commercial Fan and Blower Manufacturing .....	500
333414 .....	Heating Equipment (except Warm Air Furnaces) Manufacturing .....	500
333415 .....	Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing .....	750
333511 .....	Industrial Mold Manufacturing .....	500
333512 .....	Machine Tool (Metal Cutting Types) Manufacturing .....	500
333513 .....	Machine Tool (Metal Forming Types) Manufacturing .....	500
333514 .....	Special Die and Tool, Die Set, Jig and Fixture Manufacturing .....	500
333515 .....	Cutting Tool and Machine Tool Accessory Manufacturing .....	500
333516 .....	Rolling Mill Machinery and Equipment Manufacturing .....	500
333518 .....	Other Metalworking Machinery Manufacturing .....	500
333611 .....	Turbine and Turbine Generator Set Unit Manufacturing .....	1,000
333612 .....	Speed Changer, Industrial High-Speed Drive and Gear Manufacturing .....	500
333613 .....	Mechanical Power Transmission Equipment Manufacturing .....	500
333618 .....	Other Engine Equipment Manufacturing .....	1,000
333911 .....	Pump and Pumping Equipment Manufacturing .....	500
333912 .....	Air and Gas Compressor Manufacturing .....	500
333913 .....	Measuring and Dispensing Pump Manufacturing .....	500
333921 .....	Elevator and Moving Stairway Manufacturing .....	500
333922 .....	Conveyor and Conveying Equipment Manufacturing .....	500
333923 .....	Overhead Traveling Crane, Hoist and Monorail System Manufacturing .....	500
333924 .....	Industrial Truck, Tractor, Trailer and Stacker Machinery Manufacturing .....	750
333991 .....	Power-Driven Hand Tool Manufacturing .....	500
333992 .....	Welding and Soldering Equipment Manufacturing .....	500
333993 .....	Packaging Machinery Manufacturing .....	500
333994 .....	Industrial Process Furnace and Oven Manufacturing .....	500
333995 .....	Fluid Power Cylinder and Actuator Manufacturing .....	500
333996 .....	Fluid Power Pump and Motor Manufacturing .....	500
333997 .....	Scale and Balance (except Laboratory) Manufacturing .....	500
333999 .....	All Other Miscellaneous General Purpose Machinery Manufacturing .....	500
<b>Subsector 334—Computer and Electronic Product Manufacturing<sup>6</sup></b>		
334111 .....	Electronic Computer Manufacturing .....	1,000
334112 .....	Computer Storage Device Manufacturing .....	1,000
334113 .....	Computer Terminal Manufacturing .....	1,000
334119 .....	Other Computer Peripheral Equipment Manufacturing .....	1,000
334210 .....	Telephone Apparatus Manufacturing .....	1,000
334220 .....	Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing .....	750
334290 .....	Other Communications Equipment Manufacturing .....	750
334310 .....	Audio and Video Equipment Manufacturing .....	750
334411 .....	Electron Tube Manufacturing .....	750
334412 .....	Bare Printed Circuit Board Manufacturing .....	500
334413 .....	Semiconductor and Related Device Manufacturing .....	500
334414 .....	Electronic Capacitor Manufacturing .....	500
334415 .....	Electronic Resistor Manufacturing .....	500
334416 .....	Electronic Coil, Transformer, and Other Inductor Manufacturing .....	500
334417 .....	Electronic Connector Manufacturing .....	500
334418 .....	Printed Circuit Assembly (Electronic Assembly) Manufacturing .....	500
334419 .....	Other Electronic Component Manufacturing .....	500
334510 .....	Electromedical and Electrotherapeutic Apparatus Manufacturing .....	500
334511 .....	Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing .....	750
334512 .....	Automatic Environmental Control Manufacturing for Residential, Commercial and Appliance Use .....	500
334513 .....	Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables .....	500
334514 .....	Totalizing Fluid Meter and Counting Device Manufacturing .....	500
334515 .....	Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals .....	500
334516 .....	Analytical Laboratory Instrument Manufacturing .....	500



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## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
334517 .....	Irradiation Apparatus Manufacturing .....	500
334518 .....	Watch, Clock, and Part Manufacturing .....	500
334519 .....	Other Measuring and Controlling Device Manufacturing .....	500
334611 .....	Software Reproducing .....	500
334612 .....	Prerecorded Compact Disc (except Software), Tape, and Record Reproducing .....	750
334613 .....	Magnetic and Optical Recording Media Manufacturing .....	1,000
<b>Subsector 335—Electrical Equipment, Appliance and Component Manufacturing<sup>6</sup></b>		
335110 .....	Electric Lamp Bulb and Part Manufacturing .....	1,000
335121 .....	Residential Electric Lighting Fixture Manufacturing .....	500
335122 .....	Commercial, Industrial and Institutional Electric Lighting Fixture Manufacturing .....	500
335129 .....	Other Lighting Equipment Manufacturing .....	500
335211 .....	Electric Housewares and Household Fan Manufacturing .....	750
335212 .....	Household Vacuum Cleaner Manufacturing .....	750
335221 .....	Household Cooking Appliance Manufacturing .....	750
335222 .....	Household Refrigerator and Home Freezer Manufacturing .....	1,000
335224 .....	Household Laundry Equipment Manufacturing .....	1,000
335228 .....	Other Major Household Appliance Manufacturing .....	500
335311 .....	Power, Distribution and Specialty Transformer Manufacturing .....	750
335312 .....	Motor and Generator Manufacturing .....	1,000
335313 .....	Switchgear and Switchboard Apparatus Manufacturing .....	750
335314 .....	Relay and Industrial Control Manufacturing .....	750
335911 .....	Storage Battery Manufacturing .....	500
335912 .....	Primary Battery Manufacturing .....	1,000
335921 .....	Fiber Optic Cable Manufacturing .....	1,000
335929 .....	Other Communication and Energy Wire Manufacturing .....	1,000
335931 .....	Current-Carrying Wiring Device Manufacturing .....	500
335932 .....	Noncurrent-Carrying Wiring Device Manufacturing .....	500
335991 .....	Carbon and Graphite Product Manufacturing .....	750
335999 .....	All Other Miscellaneous Electrical Equipment and Component Manufacturing .....	500
<b>Subsector 336—Transportation Equipment Manufacturing<sup>6</sup></b>		
336111 .....	Automobile Manufacturing .....	1,000
336112 .....	Light Truck and Utility Vehicle Manufacturing .....	1,000
336120 .....	Heavy Duty Truck Manufacturing .....	1,000
336211 .....	Motor Vehicle Body Manufacturing .....	1,000
336212 .....	Truck Trailer Manufacturing .....	500
336213 .....	Motor Home Manufacturing .....	1,000
336214 .....	Travel Trailer and Camper Manufacturing .....	500
336311 .....	Carburetor, Piston, Piston Ring and Valve Manufacturing .....	500
336312 .....	Gasoline Engine and Engine Parts Manufacturing .....	750
336321 .....	Vehicular Lighting Equipment Manufacturing .....	500
336322 .....	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing .....	750
336330 .....	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing .....	750
336340 .....	Motor Vehicle Brake System Manufacturing .....	750
336350 .....	Motor Vehicle Transmission and Power Train Parts Manufacturing .....	750
336360 .....	Motor Vehicle Seating and Interior Trim Manufacturing .....	500
336370 .....	Motor Vehicle Metal Stamping .....	500
336391 .....	Motor Vehicle Air-Conditioning Manufacturing .....	750
336399 .....	All Other Motor Vehicle Parts Manufacturing .....	750
336411 .....	Aircraft Manufacturing .....	1,500
336412 .....	Aircraft Engine and Engine Parts Manufacturing .....	1,000
336413 .....	Other Aircraft Part and Auxiliary Equipment Manufacturing .....	1,000 <sup>7</sup>
336414 .....	Guided Missile and Space Vehicle Manufacturing .....	1,000
336415 .....	Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing .....	1,000
336419 .....	Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing .....	1,000
336510 .....	Railroad Rolling Stock Manufacturing .....	1,000
336611 .....	Ship Building and Repairing .....	1,000
336612 .....	Boat Building .....	500
336991 .....	Motorcycle, Bicycle and Parts Manufacturing .....	500
336992 .....	Military Armored Vehicle, Tank and Tank Component Manufacturing .....	1,000
336999 .....	All Other Transportation Equipment Manufacturing .....	500

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Subsector 337—Furniture and Related Product Manufacturing</b>		
337110 .....	Wood Kitchen Cabinet and Counter Top Manufacturing .....	500
337121 .....	Upholstered Household Furniture Manufacturing .....	500
337122 .....	Nonupholstered Wood Household Furniture Manufacturing .....	500
337124 .....	Metal Household Furniture Manufacturing .....	500
337125 .....	Household Furniture (except Wood and Metal) Manufacturing .....	500
337127 .....	Institutional Furniture Manufacturing .....	500
337129 .....	Wood Television, Radio, and Sewing Machine Cabinet Manufacturing .....	500
337211 .....	Wood Office Furniture Manufacturing .....	500
337212 .....	Custom Architectural Woodwork and Millwork Manufacturing .....	500
337214 .....	Office Furniture (Except Wood) Manufacturing .....	500
337215 .....	Showcase, Partition, Shelving, and Locker Manufacturing .....	500
337910 .....	Mattress Manufacturing .....	500
337920 .....	Blind and Shade Manufacturing .....	500
<b>Subsector 339—Miscellaneous Manufacturing</b>		
339111 .....	Laboratory Apparatus and Furniture Manufacturing .....	500
339112 .....	Surgical and Medical Instrument Manufacturing .....	500
339113 .....	Surgical Appliance and Supplies Manufacturing .....	500
339114 .....	Dental Equipment and Supplies Manufacturing .....	500
339115 .....	Ophthalmic Goods Manufacturing .....	500
339116 .....	Dental Laboratories .....	500
339911 .....	Jewelry (except Costume) Manufacturing .....	500
339912 .....	Silverware and Hollowware Manufacturing .....	500
339913 .....	Jewelers' Material and Lapidary Work Manufacturing .....	500
339914 .....	Costume Jewelry and Novelty Manufacturing .....	500
339920 .....	Sporting and Athletic Goods Manufacturing .....	500
339931 .....	Doll and Stuffed Toy Manufacturing .....	500
339932 .....	Game, Toy, and Children's Vehicle Manufacturing .....	500
339941 .....	Pen and Mechanical Pencil Manufacturing .....	500
339942 .....	Lead Pencil and Art Good Manufacturing .....	500
339943 .....	Marking Device Manufacturing .....	500
339944 .....	Carbon Paper and Inked Ribbon Manufacturing .....	500
339950 .....	Sign Manufacturing .....	500
339991 .....	Gasket, Packing, and Sealing Device Manufacturing .....	500
339992 .....	Musical Instrument Manufacturing .....	500
339993 .....	Fastener, Button, Needle and Pin Manufacturing .....	500
339994 .....	Broom, Brush and Mop Manufacturing .....	500
339995 .....	Burial Casket Manufacturing .....	500
339999 .....	All Other Miscellaneous Manufacturing .....	500
<b>Sector 42—Wholesale Trade</b>		
(Not applicable to Government procurement of supplies. The nonmanufacturer size standard of 500 employees shall be used for purposes of Government procurement of supplies.)		
<b>Subsector 421—Wholesale Trade—Durable Goods</b>		
421110 .....	Automobile and Other Motor Vehicle Wholesalers .....	100
421120 .....	Motor Vehicle Supplies and New Part Wholesalers .....	100
421130 .....	Tire and Tube Wholesalers .....	100
421140 .....	Motor Vehicle Parts (Used) Wholesalers .....	100
421210 .....	Furniture Wholesalers .....	100
421220 .....	Home Furnishing Wholesalers .....	100
421310 .....	Lumber, Plywood, Millwork and Wood Panel Wholesalers .....	100
421320 .....	Brick, Stone and Related Construction Material Wholesalers .....	100
421330 .....	Roofing, Siding and Insulation Material Wholesalers .....	100
421390 .....	Other Construction Material Wholesalers .....	100
421410 .....	Photographic Equipment and Supplies Wholesalers .....	100
421420 .....	Office Equipment Wholesalers .....	100
421430 .....	Computer and Computer Peripheral Equipment and Software Wholesalers .....	100
421440 .....	Other Commercial Equipment Wholesalers .....	100
421450 .....	Medical, Dental and Hospital Equipment and Supplies Wholesalers .....	100
421460 .....	Ophthalmic Goods Wholesalers .....	100
421490 .....	Other Professional Equipment and Supplies Wholesalers .....	100
421510 .....	Metal Service Centers and Offices .....	100

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## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
421520 .....	Coal and Other Mineral and Ore Wholesalers .....	100
421610 .....	Electrical Apparatus and Equipment, Wiring Supplies and Construction Material Wholesalers .....	100
421620 .....	Electrical Appliance, Television and Radio Set Wholesalers .....	100
421690 .....	Other Electronic Parts and Equipment Wholesalers .....	100
421710 .....	Hardware Wholesalers .....	100
421720 .....	Plumbing and Heating Equipment and Supplies (Hydronics) Wholesalers .....	100
421730 .....	Warm Air Heating and Air-Conditioning Equipment and Supplies Wholesalers .....	100
421740 .....	Refrigeration Equipment and Supplies Wholesalers .....	100
421810 .....	Construction and Mining (except Oil Well) Machinery and Equipment Wholesalers .....	100
421820 .....	Farm and Garden Machinery and Equipment Wholesalers .....	100
421830 .....	Industrial Machinery and Equipment Wholesalers .....	100
421840 .....	Industrial Supplies Wholesalers .....	100
421850 .....	Service Establishment Equipment and Supplies Wholesalers .....	100
421860 .....	Transportation Equipment and Supplies (except Motor Vehicle) Wholesalers .....	100
421910 .....	Sporting and Recreational Goods and Supplies Wholesalers .....	100
421920 .....	Toy and Hobby Goods and Supplies Wholesalers .....	100
421930 .....	Recyclable Material Wholesalers .....	100
421940 .....	Jewelry, Watch, Precious Stone and Precious Metal Wholesalers .....	100
421990 .....	Other Miscellaneous Durable Goods Wholesalers .....	100
<b>Subsector 422—Wholesale Trade—Nondurable Goods</b>		
422110 .....	Printing and Writing Paper Wholesalers .....	100
422120 .....	Stationary and Office Supplies Wholesalers .....	100
422130 .....	Industrial and Personal Service Paper Wholesalers .....	100
422210 .....	Drugs and Druggists' Sundries Wholesalers .....	100
422310 .....	Piece Goods, Notions and Other Dry Goods Wholesalers .....	100
422320 .....	Men's and Boys' Clothing and Furnishings Wholesalers .....	100
422330 .....	Women's, Children's, and Infants' Clothing and Accessories Wholesalers .....	100
422340 .....	Footwear Wholesalers .....	100
422410 .....	General Line Grocery Wholesalers .....	100
422420 .....	Packaged Frozen Food Wholesalers .....	100
422430 .....	Dairy Product (except Dried or Canned) Wholesalers .....	100
422440 .....	Poultry and Poultry Product Wholesalers .....	100
422450 .....	Confectionery Wholesalers .....	100
422460 .....	Fish and Seafood Wholesalers .....	100
422470 .....	Meat and Meat Product Wholesalers .....	100
422480 .....	Fresh Fruit and Vegetable Wholesalers .....	100
422490 .....	Other Grocery and Related Products Wholesalers .....	100
422510 .....	Grain and Field Bean Wholesalers .....	100
422520 .....	Livestock Wholesalers .....	100
422590 .....	Other Farm Product Raw Material Wholesalers .....	100
422610 .....	Plastics Materials and Basic Forms and Shapes Wholesalers .....	100
422690 .....	Other Chemical and Allied Products Wholesalers .....	100
422710 .....	Petroleum Bulk Stations and Terminals .....	100
422720 .....	Petroleum and Petroleum Products Wholesalers (except Bulk Stations and Terminals) .....	100
422810 .....	Beer and Ale Wholesalers .....	100
422820 .....	Wine and Distilled Alcoholic Beverage Wholesalers .....	100
422910 .....	Farm Supplies Wholesalers .....	100
422920 .....	Book, Periodical and Newspaper Wholesalers .....	100
422930 .....	Flower, Nursery Stock and Florists' Supplies Wholesalers .....	100
422940 .....	Tobacco and Tobacco Product Wholesalers .....	100
422950 .....	Paint, Varnish and Supplies Wholesalers .....	100
422990 .....	Other Miscellaneous Nondurable Goods Wholesalers .....	100
<b>Sectors 44–45—Retail Trade</b>		
<b>Subsector 441—Motor Vehicle and Parts Dealers</b>		
441110 .....	New Car Dealers .....	\$21.0
441120 .....	Used Car Dealers .....	\$17.0
441210 .....	Recreational Vehicle Dealers .....	\$5.0
441221 .....	Motorcycle Dealers .....	\$5.0
441222 .....	Boat Dealers .....	\$5.0
441229 .....	All Other Motor Vehicle Dealers .....	\$5.0
EXCEPT	Aircraft Dealers, Retail .....	\$7.5
441310 .....	Automotive Parts and Accessories Stores .....	\$5.0

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
441320 .....	Tire Dealers .....	.....\$5.0
<b>Subsector 442—Furniture and Home Furnishings Stores</b>		
442110 .....	Furniture Stores .....	.....\$5.0
442210 .....	Floor Covering Stores .....	.....\$5.0
442291 .....	Window Treatment Stores .....	.....\$5.0
442299 .....	All Other Home Furnishings Stores .....	.....\$5.0
<b>Subsector 443—Electronics and Appliance Stores</b>		
443111 .....	Household Appliance Stores .....	.....\$6.5
443112 .....	Radio, Television and Other Electronics Stores .....	.....\$6.5
443120 .....	Computer and Software Stores .....	.....\$6.5
443130 .....	Camera and Photographic Supplies Stores .....	.....\$5.0
<b>Subsector 444—Building Material and Garden Equipment and Supplies Dealers</b>		
444110 .....	Home Centers .....	.....\$5.0
444120 .....	Paint and Wallpaper Stores .....	.....\$5.0
444130 .....	Hardware Stores .....	.....\$5.0
444190 .....	Other Building Material Dealers .....	.....\$5.0
444210 .....	Outdoor Power Equipment Stores .....	.....\$5.0
444220 .....	Nursery and Garden Centers .....	.....\$5.0
<b>Subsector 445—Food and Beverage Stores</b>		
445110 .....	Supermarkets and Other Grocery (except Convenience) Stores .....	.....\$20.0
445120 .....	Convenience Stores .....	.....\$20.0
445210 .....	Meat Markets .....	.....\$5.0
445220 .....	Fish and Seafood Markets .....	.....\$5.0
445230 .....	Fruit and Vegetable Markets .....	.....\$5.0
445291 .....	Baked Goods Stores .....	.....\$5.0
445292 .....	Confectionery and Nut Stores .....	.....\$5.0
445299 .....	All Other Specialty Food Stores .....	.....\$5.0
445310 .....	Beer, Wine and Liquor Stores .....	.....\$5.0
<b>Subsector 446—Health and Personal Care Stores</b>		
446110 .....	Pharmacies and Drug Stores .....	.....\$5.0
446120 .....	Cosmetics, Beauty Supplies and Perfume Stores .....	.....\$5.0
446130 .....	Optical Goods Stores .....	.....\$5.0
446191 .....	Food (Health) Supplement Stores .....	.....\$5.0
446199 .....	All Other Health and Personal Care Stores .....	.....\$5.0
<b>Subsector 447—Gasoline Stations</b>		
447110 .....	Gasoline Stations with Convenience Stores .....	.....\$20.0
447190 .....	Other Gasoline Stations .....	.....\$6.5
<b>Subsector 448—Clothing and Clothing Accessories Stores</b>		
448110 .....	Men's Clothing Stores .....	.....\$6.5
448120 .....	Women's Clothing Stores .....	.....\$6.5
448130 .....	Children's and Infants' Clothing Stores .....	.....\$5.0
448140 .....	Family Clothing Stores .....	.....\$6.5
448150 .....	Clothing Accessories Stores .....	.....\$5.0
448190 .....	Other Clothing Stores .....	.....\$5.0
448210 .....	Shoe Stores .....	.....\$6.5
448310 .....	Jewelry Stores .....	.....\$5.0
448320 .....	Luggage and Leather Goods Stores .....	.....\$5.0
<b>Subsector 451—Sporting Good, Hobby, Book and Music Stores</b>		
451110 .....	Sporting Goods Stores .....	.....\$5.0
451120 .....	Hobby, Toy and Game Stores .....	.....\$5.0
451130 .....	Sewing, Needlework and Piece Goods Stores .....	.....\$5.0
451140 .....	Musical Instrument and Supplies Stores .....	.....\$5.0

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### SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
451211 .....	Book Stores .....	.....\$5.0
451212 .....	News Dealers and Newsstands .....	.....\$5.0
451220 .....	Prerecorded Tape, Compact Disc and Record Stores .....	.....\$5.0
<b>Subsector 452—General Merchandise Stores</b>		
452110 .....	Department Stores .....	.....\$20.0
452910 .....	Warehouse Clubs and Superstores .....	.....\$20.0
452990 .....	All Other General Merchandise Stores .....	.....\$8.0
<b>Subsector 453—Miscellaneous Store Retailers</b>		
453110 .....	Florists .....	.....\$5.0
453210 .....	Office Supplies and Stationery Stores .....	.....\$5.0
453220 .....	Gift, Novelty and Souvenir Stores .....	.....\$5.0
453310 .....	Used Merchandise Stores .....	.....\$5.0
453910 .....	Pet and Pet Supplies Stores .....	.....\$5.0
453920 .....	Art Dealers .....	.....\$5.0
453930 .....	Manufactured (Mobile) Home Dealers .....	.....\$9.5
453991 .....	Tobacco Stores .....	.....\$5.0
453998 .....	All Other Miscellaneous Store Retailers (except Tobacco Stores) .....	.....\$5.0
454110 .....	Electronic Shopping and Mail-Order Houses .....	.....\$18.5
454210 .....	Vending Machine Operators .....	.....\$5.0
454311 .....	Heating Oil Dealers .....	.....\$9.0
454312 .....	Liquefied Petroleum Gas (Bottled Gas) Dealers .....	.....\$5.0
454319 .....	Other Fuel Dealers .....	.....\$5.0
454390 .....	Other Direct Selling Establishments .....	.....\$5.0
<b>Sectors 48–49—Transportation</b>		
<b>Subsector 481—Air Transportation</b>		
481111 .....	Scheduled Passenger Air Transportation .....	.....1,500
481112 .....	Scheduled Freight Air Transportation .....	.....1,500
481211 .....	Nonscheduled Chartered Passenger Air Transportation .....	.....1,500
EXCEPT	Offshore Marine Air Transportation Services .....	.....\$20.5
481212 .....	Nonscheduled Chartered Freight Air Transportation .....	.....1,500
EXCEPT	Except Offshore Marine Air Transportation Services .....	.....\$20.5
481219 .....	Other Nonscheduled Air Transportation .....	.....\$5.0
<b>Subsector 482—Rail Transportation</b>		
482111 .....	Line-Haul Railroads .....	.....500
482112 .....	Short Line Railroads .....	.....500
<b>Subsector 483—Water Transportation<sup>15</sup></b>		
483111 .....	Deep Sea Freight Transportation .....	.....500
483112 .....	Deep Sea Passenger Transportation .....	.....500
483113 .....	Coastal and Great Lakes Freight Transportation .....	.....500
483114 .....	Coastal and Great Lakes Passenger Transportation .....	.....500
483211 .....	Inland Water Freight Transportation .....	.....500
483212 .....	Inland Water Passenger Transportation .....	.....500
<b>Subsector 484—Truck Transportation</b>		
484110 .....	General Freight Trucking, Local .....	.....\$18.5
484121 .....	General Freight Trucking, Long-Distance, Truckload .....	.....\$18.5
484122 .....	General Freight Trucking, Long-Distance, Less Than Truckload .....	.....\$18.5
484210 .....	Used Household and Office Goods Moving .....	.....\$18.5
484220 .....	Specialized Freight (except Used Goods) Trucking, Local .....	.....\$18.5
484230 .....	Specialized Freight (except Used Goods) Trucking, Long-Distance .....	.....\$18.5
<b>Subsector 485—Transit and Ground Passenger Transportation</b>		
485111 .....	Mixed Mode Transit Systems .....	.....\$5.0
485112 .....	Commuter Rail Systems .....	.....\$5.0
485113 .....	Bus and Other Motor Vehicle Transit Systems .....	.....\$5.0

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
485119 .....	Other Urban Transit Systems .....	.....\$5.0
485210 .....	Interurban and Rural Bus Transportation .....	.....\$5.0
485310 .....	Taxi Service .....	.....\$5.0
485320 .....	Limousine Service .....	.....\$5.0
485410 .....	School and Employee Bus Transportation .....	.....\$5.0
485510 .....	Charter Bus Industry .....	.....\$5.0
485991 .....	Special Needs Transportation .....	.....\$5.0
485999 .....	All Other Transit and Ground Passenger Transportation .....	.....\$5.0
<b>Subsector 486—Pipeline Transportation</b>		
486110 .....	Pipeline Transportation of Crude Oil .....	.....1,500
486210 .....	Pipeline Transportation of Natural Gas .....	.....\$5.0
486910 .....	Pipeline Transportation of Refined Petroleum Products .....	.....1,500
486990 .....	All Other Pipeline Transportation .....	.....\$25.0
<b>Subsector 487—Scenic and Sightseeing Transportation</b>		
487110 .....	Scenic and Sightseeing Transportation, Land .....	.....\$5.0
487210 .....	Scenic and Sightseeing Transportation, Water .....	.....\$5.0
487990 .....	Scenic and Sightseeing Transportation, Other .....	.....\$5.0
<b>Subsector 488—Support Activities for Transportation</b>		
488111 .....	Air Traffic Control .....	.....\$5.0
488119 .....	Other Airport Operations .....	.....\$5.0
488190 .....	Other Support Activities for Air Transportation .....	.....\$5.0
488210 .....	Support Activities for Rail Transportation .....	.....\$5.0
488310 .....	Port and Harbor Operations .....	.....\$18.5
488320 .....	Marine Cargo Handling .....	.....\$18.5
488330 .....	Navigational Services to Shipping .....	.....\$5.0
488390 .....	Other Support Activities for Water Transportation .....	.....\$5.0
488410 .....	Motor Vehicle Towing .....	.....\$5.0
488490 .....	Other Support Activities for Road Transportation .....	.....\$5.0
488510 .....	Freight Transportation Arrangement .....	..... <sup>10</sup> \$5.0
EXCEPT .....	Non-Vessel Owning Common Carriers and Household Goods Forwarders .....	.....\$18.5
488991 .....	Packing and Crating .....	.....\$18.5
488999 .....	All Other Support Activities for Transportation .....	.....\$5.0
<b>Subsector 491—Postal Service</b>		
491110 .....	Postal Service .....	.....\$5.0
<b>Subsector 492—Couriers and Messengers</b>		
492110 .....	Couriers .....	.....1,500
492210 .....	Local Messengers and Local Delivery .....	.....\$18.5
<b>Subsector 493—Warehousing and Storage</b>		
493110 .....	General Warehousing and Storage .....	.....\$18.5
493120 .....	Refrigerated Warehousing and Storage .....	.....\$18.5
493130 .....	Farm Product Warehousing and Storage .....	.....\$18.5
493190 .....	Other Warehousing and Storage .....	.....\$18.5
<b>Sector 51—Information</b>		
<b>Subsector 511—Publishing Industries</b>		
511110 .....	Newspaper Publishers .....	.....500
511120 .....	Periodical Publishers .....	.....500
511130 .....	Book Publishers .....	.....500
511140 .....	Database and Directory Publishers .....	.....500
511191 .....	Greeting Card Publishers .....	.....500
511199 .....	All Other Publishers .....	.....500
511210 .....	Software Publishers .....	.....\$18.0

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NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Subsector 512—Motion Picture and Sound Recording Industries</b>		
512110 .....	Motion Picture and Video Production .....	\$21.5
512120 .....	Motion Picture and Video Distribution .....	\$21.5
512131 .....	Motion Picture Theaters (except Drive-Ins) .....	\$5.0
512132 .....	Drive-In Motion Picture Theaters .....	\$5.0
512191 .....	Teleproduction and Other Post-Production Services .....	\$21.5
512199 .....	Other Motion Picture and Video Industries .....	\$5.0
512210 .....	Record Production .....	\$5.0
512220 .....	Integrated Record Production/Distribution .....	750
512230 .....	Music Publishers .....	500
512240 .....	Sound Recording Studios .....	\$5.0
512290 .....	Other Sound Recording Industries .....	\$5.0
<b>Subsector 513—Broadcasting and Telecommunications</b>		
513111 .....	Radio Networks .....	\$5.0
513112 .....	Radio Stations .....	\$5.0
513120 .....	Television Broadcasting .....	\$10.5
513210 .....	Cable Networks .....	\$11.0
513220 .....	Cable and Other Program Distribution .....	\$11.0
513310 .....	Wired Telecommunications Carriers .....	1,500
513321 .....	Paging .....	1,500
513322 .....	Cellular and Other Wireless Telecommunications .....	1,500
513330 .....	Telecommunications Resellers .....	1,500
513340 .....	Satellite Telecommunications .....	\$11.0
513390 .....	Other Telecommunications .....	\$11.0
<b>Subsector 514—Information Services and Data Processing Services</b>		
514110 .....	News Syndicates .....	\$5.0
514120 .....	Libraries and Archives .....	\$5.0
514191 .....	On-Line Information Services .....	\$18.0
514199 .....	All Other Information Services .....	\$5.0
514210 .....	Data Processing Services .....	\$18.0
<b>Sector 52—Finance and Insurance</b>		
<b>Subsector 522—Credit Intermediation and Related Activities</b>		
522110 .....	Commercial Banking .....	\$100 mil in assets <sup>a</sup>
522120 .....	Savings Institutions .....	\$100 mil in assets <sup>a</sup>
522130 .....	Credit Unions .....	\$100 mil in assets <sup>a</sup>
522190 .....	Other Depository Credit Intermediation .....	\$100 mil in assets <sup>a</sup>
522210 .....	Credit Card Issuing .....	\$100 mil in assets <sup>a</sup>
522220 .....	Sales Financing .....	\$5.0
522291 .....	Consumer Lending .....	\$5.0
522292 .....	Real Estate Credit .....	\$5.0
522293 .....	International Trade Financing .....	\$100 mil in assets <sup>a</sup>
522294 .....	Secondary Market Financing .....	\$5.0
522298 .....	All Other Non-Depository Credit Intermediation .....	\$5.0
522310 .....	Mortgage and Nonmortgage Loan Brokers .....	\$5.0
522320 .....	Financial Transactions Processing, Reserve, and Clearing House Activities .....	\$5.0
522390 .....	Other Activities Related to Credit Intermediation .....	\$5.0
<b>Subsector 523—Financial Investments and Related Activities</b>		
523110 .....	Investment Banking and Securities Dealing .....	\$5.0
523120 .....	Securities Brokerage .....	\$5.0
523130 .....	Commodity Contracts Dealing .....	\$5.0
523140 .....	Commodity Contracts Brokerage .....	\$5.0

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
523210 .....	Securities and Commodity Exchanges .....	\$5.0
523910 .....	Miscellaneous Intermediation .....	\$5.0
523920 .....	Portfolio Management .....	\$5.0
523930 .....	Investment Advice .....	\$5.0
523991 .....	Trust, Fiduciary and Custody Activities .....	\$5.0
523999 .....	Miscellaneous Financial Investment Activities .....	\$5.0
<b>Subsector 524—Insurance Carriers and Related Activities</b>		
524113 .....	Direct Life Insurance Carriers .....	\$5.0
524114 .....	Direct Health and Medical Insurance Carriers .....	\$5.0
524126 .....	Direct Property and Casualty Insurance Carriers .....	1,500
524127 .....	Direct Title Insurance Carriers .....	\$5.0
524128 .....	Other Direct Insurance (except Life, Health and Medical) Carriers .....	\$5.0
524130 .....	Reinsurance Carriers .....	\$5.0
524210 .....	Insurance Agencies and Brokerages .....	\$5.0
524291 .....	Claims Adjusting .....	\$5.0
524292 .....	Third Party Administration of Insurance and Pension Funds .....	\$5.0
524298 .....	All Other Insurance Related Activities .....	\$5.0
<b>Subsector 525—Funds, Trusts and Other Financial Vehicles</b>		
525110 .....	Pension Funds .....	\$5.0
525120 .....	Health and Welfare Funds .....	\$5.0
525190 .....	Other Insurance Funds .....	\$5.0
525910 .....	Open-End Investment Funds .....	\$5.0
525920 .....	Trusts, Estates, and Agency Accounts .....	\$5.0
525930 .....	Real Estate Investment Trusts .....	\$5.0
525990 .....	Other Financial Vehicles .....	\$5.0
<b>Sector 53—Real Estate and Rental and Leasing</b>		
<b>Subsector 531—Real Estate</b>		
531110 .....	Lessors of Residential Buildings and Dwellings .....	\$5.0
531120 .....	Lessors of Nonresidential Buildings (except Miniwarehouses) .....	\$5.0
531130 .....	Lessors of Miniwarehouses and Self Storage Units .....	\$18.5
531190 .....	Lessors of Other Real Estate Property .....	\$5.0
EXCEPT	Leasing of Building Space to Federal Government by Owners .....	\$15.0 <sup>9</sup>
531210 .....	Offices of Real Estate Agents and Brokers .....	\$1.5 <sup>10</sup>
531311 .....	Residential Property Managers .....	\$1.5
531312 .....	Nonresidential Property Managers .....	\$1.5
531320 .....	Offices of Real Estate Appraisers .....	\$1.5
531390 .....	Other Activities Related to Real Estate .....	\$1.5
<b>Subsector 532—Rental and Leasing Services</b>		
532111 .....	Passenger Car Rental .....	\$18.5
532112 .....	Passenger Car Leasing .....	\$18.5
532120 .....	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing .....	\$18.5
532210 .....	Consumer Electronics and Appliances Rental .....	\$5.0
532220 .....	Formal Wear and Costume Rental .....	\$5.0
532230 .....	Video Tape and Disc Rental .....	\$5.0
532291 .....	Home Health Equipment Rental .....	\$5.0
532292 .....	Recreational Goods Rental .....	\$5.0
532299 .....	All Other Consumer Goods Rental .....	\$5.0
532310 .....	General Rental Centers .....	\$5.0
532411 .....	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing .....	\$5.0
532412 .....	Construction, Mining and Forestry Machinery and Equipment Rental and Leasing .....	\$5.0
532420 .....	Office Machinery and Equipment Rental and Leasing .....	\$18.0
532490 .....	Other Commercial and Industrial Machinery and Equipment Rental and Leasing .....	\$5.0
<b>Subsector 533—Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)</b>		
533110 .....	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works) .....	\$5.0



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## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Sector 54—Professional, Scientific and Technical Services</b>		
<b>Subsector 541—Professional, Scientific and Technical Services</b>		
541110	Offices of Lawyers	\$5.0
541191	Title Abstract and Settlement Offices	\$5.0
541199	All Other Legal Services	\$5.0
541211	Offices of Certified Public Accountants	\$6.0
541213	Tax Preparation Services	\$5.0
541214	Payroll Services	\$6.0
541219	Other Accounting Services	\$6.0
541310	Architectural Services	\$4.0
541320	Landscape Architectural Services	\$5.0
541330	Engineering Services	\$4.0
EXCEPT	Military and Aerospace Equipment and Military Weapons	\$20.0
EXCEPT	Contracts and Subcontracts for Engineering Services Awarded Under the National Energy Policy Act of 1992.	\$20.0
EXCEPT	Marine Engineering and Naval Architecture	\$13.5
541340	Drafting Services	\$5.0
EXCEPT	Map Drafting	\$4.0
541350	Building Inspection Services	\$5.0
541360	Geophysical Surveying and Mapping Services	\$4.0
541370	Surveying and Mapping (except Geophysical) Services	\$4.0
EXCEPT	Mapmaking	\$4.0
541380	Testing Laboratories	\$5.0
541410	Interior Design Services	\$5.0
541420	Industrial Design Services	\$5.0
541430	Graphic Design Services	\$5.0
541490	Other Specialized Design Services	\$5.0
541511	Custom Computer Programming Services	\$18.0
541512	Computer Systems Design Services	\$18.0
541513	Computer Facilities Management Services	\$18.0
541519	Other Computer Related Services	\$18.0
541611	Administrative Management and General Management Consulting Services	\$5.0
541612	Human Resources and Executive Search Consulting Services	\$5.0
541613	Marketing Consulting Services	\$5.0
541614	Process, Physical Distribution and Logistics Consulting Services	\$5.0
541618	Other Management Consulting Services	\$5.0
541620	Environmental Consulting Services	\$5.0
541690	Other Scientific and Technical Consulting Services	\$5.0
541710	Research and Development in the Physical, Engineering, and Life Sciences	500 <sup>11</sup>
EXCEPT	Aircraft	1,500
EXCEPT	Aircraft Parts, and Auxiliary Equipment, and Aircraft Engine Parts	1,000
EXCEPT	Space Vehicles and Guided Missiles, their Propulsion Units, their Propulsion Units Parts, and their Auxiliary Equipment and Parts	1,000
541720	Research and Development in the Social Sciences and Humanities	\$5.0
541810	Advertising Agencies	\$5.0 <sup>10</sup>
541820	Public Relations Agencies	\$5.0
541830	Media Buying Agencies	\$5.0
541840	Media Representatives	\$5.0
541850	Display Advertising	\$5.0
541860	Direct Mail Advertising	\$5.0
541870	Advertising Material Distribution Services	\$5.0
541890	Other Services Related to Advertising	\$5.0
541910	Marketing Research and Public Opinion Polling	\$5.0
541921	Photography Studios, Portrait	\$5.0
541922	Commercial Photography	\$5.0
541930	Translation and Interpretation Services	\$5.0
541940	Veterinary Services	\$5.0
541990	All Other Professional, Scientific and Technical Services	\$5.0
<b>Sector 55—Management of Companies and Enterprises</b>		
<b>Subsector 551—Management of Companies and Enterprises</b>		
551111	Offices of Bank Holding Companies	\$5.0
551112	Offices of Other Holding Companies	\$5.0

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
<b>Sector 56—Administrative and Support, Waste Management and Remediation Services</b>		
<b>Subsector 561—Administrative and Support Services</b>		
561110 .....	Office Administrative Services .....	\$5.0
561210 .....	Facilities Support Services .....	\$5.0 <sup>12</sup>
<i>EXCEPT</i>	Base Maintenance .....	\$20.0 <sup>13</sup>
561310 .....	Employment Placement Agencies .....	\$5.0
561320 .....	Temporary Help Services .....	\$10.0
561330 .....	Employee Leasing Services .....	\$10.0
561410 .....	Document Preparation Services .....	\$5.0
561421 .....	Telephone Answering Services .....	\$5.0
561422 .....	Telemarketing Bureaus .....	\$5.0
561431 .....	Private Mail Centers .....	\$5.0
561439 .....	Other Business Service Centers (including Copy Shops) .....	\$5.0
561440 .....	Collection Agencies .....	\$5.0
561450 .....	Credit Bureaus .....	\$5.0
561491 .....	Repossession Services .....	\$5.0
561492 .....	Court Reporting and Stenotype Services .....	\$5.0
561499 .....	All Other Business Support Services .....	\$5.0
561510 .....	Travel Agencies .....	\$1.0 <sup>10</sup>
561520 .....	Tour Operators .....	\$5.0
561591 .....	Convention and Visitors Bureaus .....	\$5.0
561599 .....	All Other Travel Arrangement and Reservation Services .....	\$5.0
561611 .....	Investigation Services .....	\$9.0
561612 .....	Security Guards and Patrol Services .....	\$9.0
561613 .....	Armored Car Services .....	\$9.0
561621 .....	Security Systems Services (except Locksmiths) .....	\$9.0
561622 .....	Locksmiths .....	\$5.0
561710 .....	Exterminating and Pest Control Services .....	\$5.0
561720 .....	Janitorial Services .....	\$12.0
561730 .....	Landscaping Services .....	\$5.0
561740 .....	Carpet and Upholstery Cleaning Services .....	\$3.5
561790 .....	Other Services to Buildings and Dwellings .....	\$5.0
561910 .....	Packaging and Labeling Services .....	\$5.0
561920 .....	Convention and Trade Show Organizers .....	\$5.0 <sup>10</sup>
561990 .....	All Other Support Services .....	\$5.0
<b>Subsector 562—Waste Management and Remediation Services</b>		
562111 .....	Solid Waste Collection .....	\$10.0
562112 .....	Hazardous Waste Collection .....	\$10.0
562119 .....	Other Waste Collection .....	\$10.0
562211 .....	Hazardous Waste Treatment and Disposal .....	\$10.0
562212 .....	Solid Waste Landfill .....	\$10.0
562213 .....	Solid Waste Combustors and Incinerators .....	\$10.0
562219 .....	Other Nonhazardous Waste Treatment and Disposal .....	\$10.0
562910 .....	Remediation Services .....	\$11.5
<i>EXCEPT</i>	Environmental Remediation Services .....	500 <sup>14</sup>
562920 .....	Materials Recovery Facilities .....	\$10.0
562991 .....	Septic Tank and Related Services .....	\$5.0
562998 .....	All Other Miscellaneous Waste Management Services .....	\$5.0
<b>Sector 61—Educational Services</b>		
<b>Subsector 611—Educational Services</b>		
611110 .....	Elementary and Secondary Schools .....	\$5.0
611210 .....	Junior Colleges .....	\$5.0
611310 .....	Colleges, Universities and Professional Schools .....	\$5.0
611410 .....	Business and Secretarial Schools .....	\$5.0
611420 .....	Computer Training .....	\$5.0
611430 .....	Professional and Management Development Training .....	\$5.0
611511 .....	Cosmetology and Barber Schools .....	\$5.0
611512 .....	Flight Training .....	\$18.5
611513 .....	Apprenticeship Training .....	\$5.0
611519 .....	Other Technical and Trade Schools .....	\$5.0

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### SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
611610 .....	Fine Arts Schools .....	\$5.0
611620 .....	Sports and Recreation Instruction .....	\$5.0
611630 .....	Language Schools .....	\$5.0
611691 .....	Exam Preparation and Tutoring .....	\$5.0
611692 .....	Automobile Driving Schools .....	\$5.0
611699 .....	All Other Miscellaneous Schools and Instruction .....	\$5.0
611710 .....	Educational Support Services .....	\$5.0
<b>Sector 62—Health Care and Social Assistance</b>		
<b>Subsector 621—Ambulatory Health Care Services</b>		
621111 .....	Offices of Physicians (except Mental Health Specialists) .....	\$7.5
621112 .....	Offices of Physicians, Mental Health Specialists .....	\$7.5
621210 .....	Offices of Dentists .....	\$5.0
621310 .....	Offices of Chiropractors .....	\$5.0
621320 .....	Offices of Optometrists .....	\$5.0
621330 .....	Offices of Mental Health Practitioners (except Physicians) .....	\$5.0
621340 .....	Offices of Physical, Occupational and Speech Therapists and Audiologists .....	\$5.0
621391 .....	Offices of Podiatrists .....	\$5.0
621399 .....	Offices of All Other Miscellaneous Health Practitioners .....	\$5.0
621410 .....	Family Planning Centers .....	\$7.5
621420 .....	Outpatient Mental Health and Substance Abuse Centers .....	\$7.5
621491 .....	HMO Medical Centers .....	\$7.5
621492 .....	Kidney Dialysis Centers .....	\$25.0
621493 .....	Freestanding Ambulatory Surgical and Emergency Centers .....	\$7.5
621498 .....	All Other Outpatient Care Centers .....	\$7.5
621511 .....	Medical Laboratories .....	\$10.0
621512 .....	Diagnostic Imaging Centers .....	\$10.0
621610 .....	Home Health Care Services .....	\$10.0
621910 .....	Ambulance Services .....	\$5.0
621991 .....	Blood and Organ Banks .....	\$7.5
621999 .....	All Other Miscellaneous Ambulatory Health Care Services .....	\$7.5
<b>Subsector 622—Hospitals</b>		
622110 .....	General Medical and Surgical Hospitals .....	\$25.0
622210 .....	Psychiatric and Substance Abuse Hospitals .....	\$25.0
622310 .....	Specialty (except Psychiatric and Substance Abuse) Hospitals .....	\$25.0
<b>Subsector 623—Nursing and Residential Care Facilities</b>		
623110 .....	Nursing Care Facilities .....	\$10.0
623210 .....	Residential Mental Retardation Facilities .....	\$7.5
623220 .....	Residential Mental Health and Substance Abuse Facilities .....	\$5.0
623311 .....	Continuing Care Retirement Communities .....	\$10.0
623312 .....	Homes for the Elderly .....	\$5.0
623390 .....	Other Residential Care Facilities .....	\$5.0
<b>Subsector 624—Social Assistance</b>		
624110 .....	Child and Youth Services .....	\$5.0
624120 .....	Services for the Elderly and Persons with Disabilities .....	\$5.0
624190 .....	Other Individual and Family Services .....	\$5.0
624210 .....	Community Food Services .....	\$5.0
624221 .....	Temporary Shelters .....	\$5.0
624229 .....	Other Community Housing Services .....	\$5.0
624230 .....	Emergency and Other Relief Services .....	\$5.0
624310 .....	Vocational Rehabilitation Services .....	\$5.0
624410 .....	Child Day Care Services .....	\$5.0
<b>Sector 71—Arts, Entertainment, and Recreation</b>		
<b>Subsector 711—Performing Arts, Spectator Sports and Related Industries</b>		
711110 .....	Theater Companies and Dinner Theaters .....	\$5.0
711120 .....	Dance Companies .....	\$5.0
711130 .....	Musical Groups and Artists .....	\$5.0
711190 .....	Other Performing Arts Companies .....	\$5.0

## SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
711211 .....	Sports Teams and Clubs .....	.....\$5.0
711212 .....	Race Tracks .....	.....\$5.0
711219 .....	Other Spectator Sports .....	.....\$5.0
711310 .....	Promoters of Performing Arts, Sports and Similar Events with Facilities .....	.....\$5.0
711320 .....	Promoters of Performing Arts, Sports and Similar Events without Facilities .....	.....\$5.0
711410 .....	Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures .....	.....\$5.0
711510 .....	Independent Artists, Writers, and Performers .....	.....\$5.0
<b>Subsector 712—Museums, Historical Sites and Similar Institutions</b>		
712110 .....	Museums .....	.....\$5.0
712120 .....	Historical Sites .....	.....\$5.0
712130 .....	Zoos and Botanical Gardens .....	.....\$5.0
712190 .....	Nature Parks and Other Similar Institutions .....	.....\$5.0
<b>Subsector 713—Amusement, Gambling and Recreation Industries</b>		
713110 .....	Amusement and Theme Parks .....	.....\$5.0
713120 .....	Amusement Arcades .....	.....\$5.0
713210 .....	Casinos (except Casino Hotels) .....	.....\$5.0
713290 .....	Other Gambling Industries .....	.....\$5.0
713910 .....	Golf Courses and Country Clubs .....	.....\$5.0
713920 .....	Skiing Facilities .....	.....\$5.0
713930 .....	Marinas .....	.....\$5.0
713940 .....	Fitness and Recreational Sports Centers .....	.....\$5.0
713950 .....	Bowling Centers .....	.....\$5.0
713990 .....	All Other Amusement and Recreation Industries .....	.....\$5.0
<b>Sector 72—Accommodation and Food Services</b>		
<b>Subsector 721—Accommodation</b>		
721110 .....	Hotels (except Casino Hotels) and Motels .....	.....\$5.0
721120 .....	Casino Hotels .....	.....\$5.0
721191 .....	Bed and Breakfast Inns .....	.....\$5.0
721199 .....	All Other Traveler Accommodation .....	.....\$5.0
721211 .....	RV (Recreational Vehicle) Parks and Campgrounds .....	.....\$5.0
721214 .....	Recreational and Vacation Camps (except Campgrounds) .....	.....\$5.0
721310 .....	Rooming and Boarding Houses .....	.....\$5.0
<b>Subsector 722—Food Services and Drinking Places</b>		
722110 .....	Full-Service Restaurants .....	.....\$5.0
722211 .....	Limited-Service Restaurants .....	.....\$5.0
722212 .....	Cafeterias .....	.....\$5.0
722213 .....	Snack and Nonalcoholic Beverage Bars .....	.....\$5.0
722310 .....	Food Service Contractors .....	.....\$15.0
722320 .....	Caterers .....	.....\$5.0
722330 .....	Mobile Food Services .....	.....\$5.0
722410 .....	Drinking Places (Alcoholic Beverages) .....	.....\$5.0
<b>Sector 81—Other Services</b>		
<b>Subsector 811—Repair and Maintenance</b>		
811111 .....	General Automotive Repair .....	.....\$5.0
811112 .....	Automotive Exhaust System Repair .....	.....\$5.0
811113 .....	Automotive Transmission Repair .....	.....\$5.0
811118 .....	Other Automotive Mechanical and Electrical Repair and Maintenance .....	.....\$5.0
811121 .....	Automotive Body, Paint and Interior Repair and Maintenance .....	.....\$5.0
811122 .....	Automotive Glass Replacement Shops .....	.....\$5.0
811191 .....	Automotive Oil Change and Lubrication Shops .....	.....\$5.0
811192 .....	Car Washes .....	.....\$5.0
811198 .....	All Other Automotive Repair and Maintenance .....	.....\$5.0
811211 .....	Consumer Electronics Repair and Maintenance .....	.....\$5.0
811212 .....	Computer and Office Machine Repair and Maintenance .....	.....\$18.0
811213 .....	Communication Equipment Repair and Maintenance .....	.....\$5.0
811219 .....	Other Electronic and Precision Equipment Repair and Maintenance .....	.....\$5.0

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### SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	Description (N.E.C.=Not Elsewhere Classified)	Size standard in number of employees or millions of dollars
811310 .....	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance .....	\$5.0
811411 .....	Home and Garden Equipment Repair and Maintenance .....	\$5.0
811412 .....	Appliance Repair and Maintenance .....	\$5.0
811420 .....	Reupholstery and Furniture Repair .....	\$5.0
811430 .....	Footwear and Leather Goods Repair .....	\$5.0
811490 .....	Other Personal and Household Goods Repair and Maintenance .....	\$5.0
<b>Subsector 812—Personal and Laundry Services</b>		
812111 .....	Barber Shops .....	\$5.0
812112 .....	Beauty Salons .....	\$5.0
812113 .....	Nail Salons .....	\$5.0
812191 .....	Diet and Weight Reducing Centers .....	\$5.0
812199 .....	Other Personal Care Services .....	\$5.0
812210 .....	Funeral Homes and Funeral Services .....	\$5.0
812220 .....	Cemeteries and Crematories .....	\$5.0
812310 .....	Coin-Operated Laundries and Drycleaners .....	\$5.0
812320 .....	Drycleaning and Laundry Services (except Coin-Operated) .....	\$3.5
812331 .....	Linen Supply .....	\$10.5
812332 .....	Industrial Launderers .....	\$10.5
812910 .....	Pet Care (except Veterinary) Services .....	\$5.0
812921 .....	Photo Finishing Laboratories (except One-Hour) .....	\$5.0
812922 .....	One-Hour Photo Finishing .....	\$5.0
812930 .....	Parking Lots and Garages .....	\$5.0
812990 .....	All Other Personal Services .....	\$5.0
<b>Subsector 813—Religious, Grantmaking, Civic, Professional and Similar Organizations</b>		
813110 .....	Religious Organizations .....	\$5.0
813211 .....	Grantmaking Foundations .....	\$5.0
813212 .....	Voluntary Health Organizations .....	\$5.0
813219 .....	Other Grantmaking and Giving Services .....	\$5.0
813311 .....	Human Rights Organizations .....	\$5.0
813312 .....	Environment, Conservation and Wildlife Organizations .....	\$5.0
813319 .....	Other Social Advocacy Organizations .....	\$5.0
813410 .....	Civic and Social Organizations .....	\$5.0
813910 .....	Business Associations .....	\$5.0
813920 .....	Professional Organizations .....	\$5.0
813930 .....	Labor Unions and Similar Labor Organizations .....	\$5.0
813940 .....	Political Organizations .....	\$5.0
813990 .....	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations) .....	\$5.0

#### FOOTNOTES

1. *NAICS codes 221111, 221112, 221113, 221119, 221121, and 221122*—A firm is small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours.

2. *NAICS code 234990*—Dredging: To be considered small for purposes of Government procurement, a firm must perform at least 40 percent of the volume dredged with its own equipment or equipment owned by another small dredging concern.

3. *NAICS code 311421*—For purposes of Government procurement for food canning and

preserving, the standard of 500 employees excludes agricultural labor as defined in 3306(k) of the Internal Revenue Code, 26 U.S.C. §3306(k).

4. *NAICS code 324110*—For purposes of Government procurement, the firm may not have more than 1,500 employees nor more than 75,000 barrels per day capacity of petroleum-based inputs, including crude oil or bona fide feedstocks. Capacity includes owned or leased facilities as well as facilities under a processing agreement or an arrangement such as an exchange agreement or a throughput. The total product to be delivered under the contract must be at least 90 percent refined by the successful bidder from either crude oil or bona fide feedstocks.

5. *NAICS code 326211*—For Government procurement, a firm is small for bidding on a contract for pneumatic tires within Census Classification codes 30111 and 30112, provided that:

(a) The value of tires within Census Classification codes 30111 and 30112 which it manufactured in the United States during the previous calendar year is more than 50 percent of the value of its total worldwide manufacture.

(b) the value of pneumatic tires within Census Classification codes 30111 and 30112 comprising its total worldwide manufacture during the preceding calendar year was less than 5 percent of the value of all such tires manufactured in the United States during that period, and

(c) the value of the principal product which it manufactured or otherwise produced, or sold worldwide during the preceding calendar year is less than 10 percent of the total value of such products manufactured or otherwise produced or sold in the United States during that period.

6. *NAICS Subsectors 333, 334, 335 and 336*—For rebuilding machinery or equipment on a factory basis, or equivalent, use the NAICS code for a newly manufactured product. Concerns performing major rebuilding or overhaul activities do not necessarily have to meet the criteria for being a “manufacturer” although the activities may be classified under a manufacturing NAICS code. Ordinary repair services or preservation are not considered rebuilding.

7. *NAICS code 336413*—Contracts for the rebuilding or overhaul of aircraft ground support equipment on a contract basis are classified under NAICS code 336413.

8. *NAICS Codes 522110, 522120, 522130, 522190, 522210 and 522930*—A financial institution’s assets are determined by averaging the assets reported on its four quarterly financial statements for the preceding year. “Assets” for the purposes of this size standard means the assets defined according to the Federal Financial Institutions Examination Council 034 call report form.

9. *NAICS code 531190*—Leasing of building space to the Federal Government by Owners: For Government procurement, a size standard of \$15.0 million in gross receipts applies to the owners of building space leased to the Federal Government. The standard does not apply to an agent.

10. *NAICS codes 488510 (part), 531210, 541810, 561510 and 561920*—As measured by total revenues, but excluding funds received in trust for an unaffiliated third party, such as bookings or sales subject to commissions. The commissions received are included as revenue.

11. *NAICS code 541710*—For research and development contracts requiring the delivery of a manufactured product, the appropriate

size standard is that of the manufacturing industry.

(a) “Research and Development” means laboratory or other physical research and development. It does not include economic, educational, engineering, operations, systems, or other nonphysical research; or computer programming, data processing, commercial and/or medical laboratory testing.

(b) For purposes of the Small Business Innovation Research (SBIR) program only, a different definition has been established by law. See § 121.701 of these regulations.

(c) “Research and Development” for guided missiles and space vehicles includes evaluations and simulation, and other services requiring thorough knowledge of complete missiles and spacecraft.

12. *NAICS code 561210*—Facilities Management, a component of NAICS 561210, includes establishments, not classified elsewhere, which provide overall management and personnel to perform a variety of related support services in operating a complete facility in or around a specific building, or within another business or Government establishment. Facilities management means furnishing three or more personnel supply services which may include, but are not limited to secretarial services, typists, word processing, maintaining files and/or libraries, telephone answering, switchboard operation, reproduction or mimeograph service, mailing service, writers, bookkeeping, financial or business management, public relations, conference planning, minor office equipment maintenance and repair, use of information systems (not programming), word processing, travel arrangements, maintaining files and/or libraries.

13. *NAICS code 235990 (All Other Special Trade Contractors) and NAICS code 561210 (Facilities Support Services)*—Base Maintenance:

(a) If one of the activities of base maintenance, as defined in paragraph (b) (below in this endnote) can be identified with a separate industry and that activity (or industry) accounts for 50 percent or more of the value of an entire contract, then the proper size standard is that of the particular industry, and not the base maintenance size standard.

(b) “Base Maintenance” requires the performance of three or more separate activities in the areas of service or special trade construction industries. If services are performed, these activities must each be in a separate NAICS code including, but not limited to, Janitorial and Custodial Service, Fire Prevention Service, Messenger Service, Commissary Service, Protective Guard Service, and Grounds Maintenance and Landscaping Service. If the contract requires the use of special trade contractors (plumbing, painting, plastering, carpentry, etc.), all such special trade construction activities are considered a single activity and classified as

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Base Housing Maintenance. Since Base Housing Maintenance is only one activity, two additional activities are required for a contract to be classified as "Base Maintenance."

14. *NAICS 562910—Environmental Remediation Services:*

(a) For SBA assistance as a small business concern in the industry of Environmental Remediation Services, other than for Government procurement, a concern must be engaged primarily in furnishing a range of services for the remediation of a contaminated environment to an acceptable condition including, but not limited to, preliminary assessment, site inspection, testing, remedial investigation, feasibility studies, remedial design, containment, remedial action, removal of contaminated materials, storage of contaminated materials and security and site closeouts. If one of such activities accounts for 50 percent or more of a concern's total revenues, employees, or other related factors, the concern's primary industry is that of the particular industry and not the Environmental Remediation Services Industry.

(b) For purposes of classifying a Government procurement as Environmental Remediation Services, the general purpose of the procurement must be to restore a contaminated environment and also the procurement must be composed of activities in three or more separate industries with separate NAICS codes or, in some instances (*e.g.*, engineering), smaller sub-components of NAICS codes with separate, distinct size standards. These activities may include, but are not limited to, separate activities in industries such as: Heavy Construction; Special Trade Construction; Engineering Services; Architectural Services; Management Services; Refuse Systems; Sanitary Services, Not Elsewhere Classified; Local Trucking Without Storage; Testing Laboratories; and Commercial, Physical and Biological Research. If any activity in the procurement can be identified with a separate NAICS code, or component of a code with a separate distinct size standard, and that industry accounts for 50 percent or more of the value of the entire procurement, then the proper size standard is the one for that particular industry, and not the Environmental Remediation Service size standard.

15. *Subsector 483—Water Transportation—Offshore Marine Services:* The applicable size standard shall be \$20.5 million for firms furnishing specific transportation services to concerns engaged in offshore oil and/or natural gas exploration, drilling production, or marine research; such services encompass passenger and freight transportation, anchor

handling, and related logistical services to and from the work site or at sea.

[65 FR 30840, May 15, 2000, as amended at 65 FR 53535, Sept. 5, 2000; 65 FR 60343, Oct. 11, 2000; 65 FR 69438, Nov. 17, 2000; 65 FR 70637, Nov. 24, 2000]

### SIZE ELIGIBILITY REQUIREMENTS FOR SBA FINANCIAL ASSISTANCE

#### § 121.301 What size standards are applicable to financial assistance programs?

(a) For Business Loans and Disaster Loans (other than physical disaster loans), an applicant must not exceed the size standard for the industry in which:

(1) The applicant combined with its affiliates is primarily engaged; and

(2) The applicant alone is primarily engaged.

(b) For Development Company programs, an applicant must meet one of the following standards:

(1) Including its affiliates, tangible net worth not in excess of \$6 million, and average net income after Federal income taxes (excluding any carry-over losses) for the preceding two completed fiscal years not in excess of \$2 million; or

(2) The same standards applicable under paragraph (a) of this section.

(c) For the Small Business Investment Company (SBIC) program, an applicant must meet one of the following standards:

(1) Including its affiliates, tangible net worth not in excess of \$18 million, and average net income after Federal income taxes (excluding any carry-over losses) for the preceding 2 completed fiscal years not in excess of \$6 million; or

(2) The same standards applicable under paragraph (a) of this section.

(d) For Surety Bond Guarantee assistance—

(1) Any construction (general or special trade) concern or concern performing a contract for services is small if its average annual receipts do not exceed \$5.0 million.

(2) Any concern not specified in paragraph (d)(1) of this section must meet

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the size standard for the primary industry in which it, combined with its affiliates, is engaged.

(e) The applicable size standards for the purpose of all SBA financial assistance programs, excluding the Surety Bond Guarantee assistance program, are increased by 25 percent whenever the applicant agrees to use the assistance within a labor surplus area. Labor surplus areas are listed monthly in the Department of Labor publication called "Area Trends."

### **§ 121.302 When does SBA determine the size status of an applicant?**

(a) The size of an applicant for SBA financial assistance is determined as of the date the application for such financial assistance is accepted for processing by SBA, except for the Disaster Loan and Preferred Lenders programs.

(b) For the Preferred Lenders program, size is determined as of the date of approval of the loan by the Preferred Lender.

(c) For disaster loan assistance (other than physical disaster loans), size status is determined as of the date the disaster commenced, as set forth in the Disaster Declaration. For pre-disaster mitigation loans, size status is determined as of the date SBA accepts the application for processing.

(d) Changes in size subsequent to the applicable date when size is determined will not disqualify an applicant for assistance.

[61 FR 3286, Jan. 31, 1996, as amended at 64 FR 48276, Sept. 3, 1999]

### **§ 121.303 What size procedures are used by SBA before it makes a formal size determination?**

(a) A concern that submits an application for financial assistance is deemed to have certified that it is small under the applicable size standard. SBA may question the concern's status based on information supplied in the application or from any other source.

(b) A small business investment company, a development company, a surety bond company, or a preferred lender may accept as true the size information provided by an applicant, unless credible evidence to the contrary is apparent.

(c) Size is initially considered by the individual with final financial assistance authority. This is not a formal size determination. A formal determination may be requested prior to a denial of eligibility based on size.

(d) An applicant may request a formal size determination when assistance has been denied for size ineligibility. Except for disaster loan eligibility, a request for a formal size determination must be made to the Government Contracting Area Director serving the area in which the headquarters of the applicant is located, regardless of the location of the parent company or affiliates. For disaster loan assistance, the request for a size determination must be made to the Area Director for the Disaster Area Office which denied the assistance.

(e) There are no time limitations for making a formal size determination for purposes of financial assistance. The official making the formal size determination must provide a copy of the determination to the applicant, to the requesting SBA official, and to other interested SBA program officials.

### **§ 121.304 What are the size requirements for refinancing an existing SBA loan?**

(a) A concern that applies to refinance an existing SBA loan or guarantee will be considered small for the refinancing even though its size has increased since the date of the original financing to exceed its applicable size standard, provided that:

(1) The increase in size is due to natural growth (as distinguished from merger, acquisition or similar management action); and

(2) SBA determines that refinancing is necessary to protect the Government's financial interest.

(b) If a concern's size has increased other than by natural growth, the concern and its affiliates must be small at the time the application for refinancing is accepted for processing by SBA.

### **§ 121.305 What size eligibility requirements exist for obtaining business loans relating to particular procurements?**

A concern qualified as small for a particular procurement, including an



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8(a) subcontract, is small for financial assistance directly and primarily relating to the performance of the particular procurement.

### SIZE ELIGIBILITY REQUIREMENTS FOR GOVERNMENT PROCUREMENT

#### **§ 121.401 What procurement programs are subject to size determinations?**

The requirements set forth in §§ 121.401 through 121.413 cover all procurement programs for which status as a small business is required, including the small business set-aside program, SBA's Certificate of Competency program, SBA's 8(a) Business Development program, the Small Business Subcontracting program authorized under section 8(d) of the Small Business Act, the Federal Small Disadvantaged Business (SDB) programs, the HUBZone program, and the Very Small Business (VSB) program.

[63 FR 46642, Sept. 2, 1998]

#### **§ 121.402 What size standards are applicable to procurement assistance programs?**

(a) A concern must meet the size standard for the NAICS code specified in the solicitation.

(b) The procuring agency contracting officer, or authorized representative, designates the proper NAICS code and size standard in a solicitation, selecting the NAICS code which best describes the principal purpose of the product or service being acquired. Primary consideration is given to the industry descriptions in the NAICS United States Manual, the product or service description in the solicitation and any attachments to it, the relative value and importance of the components of the procurement making up the end item being procured, and the function of the goods or services being purchased. Other factors considered include previous Government procurement classifications of the same or similar products or services, and the classification which would best serve the purposes of the Small Business Act. A procurement is usually classified according to the component which accounts for the greatest percentage of contract value.

(c) The NAICS code assigned to a procurement and its corresponding size standard is final unless timely appealed to SBA's Office of Hearings and Appeals (OHA), or unless SBA assigns an NAICS code or size standard as provided in paragraph (d) of this section.

(d) An unclear, incomplete or missing NAICS code designation or size standard in the solicitation may be clarified, completed or supplied by SBA in connection with a formal size determination or size appeal.

(e) Any offeror or other interested party adversely affected by an NAICS code designation or size standard designation may appeal the designations to OHA under part 134 of this chapter.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

#### **§ 121.403 Are SBA size determinations and NAICS code designations binding on parties?**

Formal size determinations and NAICS code designations made by authorized SBA officials are binding upon the parties. Opinions otherwise provided by SBA officials to contracting officers or others are advisory in nature, and are not binding or appealable.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

#### **§ 121.404 When does SBA determine the size status of a business concern?**

Generally, SBA determines the size status of a concern (including its affiliates) as of the date the concern submits a written self-certification that it is small to the procuring agency as part of its initial offer including price. The following are two exceptions to this rule:

(a) The size status of an applicant for a Certificate of Competency (COC) relating to an unrestricted procurement is determined as of the date of the concern's application for the COC.

(b) Size status for purposes of compliance with the nonmanufacturer rule set forth in § 121.406(b)(1) and the ostensible subcontractor rule set forth in § 121.103(f)(3) is determined as of the date of the best and final offer.

**§ 121.405 May a business concern self-certify its small business size status?**

(a) A concern must self-certify it is small under the size standard specified in the solicitation, or as clarified, completed or supplied by SBA pursuant to § 121.402(d).

(b) A contracting officer may accept a concern's self-certification as true for the particular procurement involved in the absence of a written protest by other offerors or other credible information which causes the contracting officer or SBA to question the size of the concern.

(c) Procedures for protesting the self-certification of an offeror are set forth in §§ 121.1001 through 121.1009.

**§ 121.406 How does a small business concern qualify to provide manufactured products under small business set-aside or MED procurements?**

(a) *General.* In order to qualify as a small business concern for a small business set-aside or 8(a) contract to provide manufactured products, an offeror must either:

(1) Be the manufacturer of the end item being procured (and the end item must be manufactured or produced in the United States); or

(2) Comply with the requirements of paragraph (b), (c) or (d) of this section as a nonmanufacturer, a kit assembler or a supplier under Simplified Acquisition Procedures.

(b) *Nonmanufacturers.* (1) A concern may qualify for a requirement to provide manufactured products as a non-manufacturer if it:

(i) Does not exceed 500 employees;

(ii) Is primarily engaged in the wholesale or retail trade and normally sells the items being supplied to the general public; and

(iii) Will supply the end item of a small business manufacturer or processor made in the United States, or obtains a waiver of such requirement pursuant to paragraph (b)(3) of this section.

(2) For size purposes, there can be only one manufacturer of the end item being acquired. The manufacturer is the concern which, with its own facilities, performs the primary activities in

transforming inorganic or organic substances, including the assembly of parts and components, into the end item being acquired. The end item must possess characteristics which, as a result of mechanical, chemical or human action, it did not possess before the original substances, parts or components were assembled or transformed. The end item may be finished and ready for utilization or consumption, or it may be semifinished as a raw material to be used in further manufacturing. Firms which perform only minimal operations upon the item being procured do not qualify as manufacturers of the end item. SBA will evaluate the following factors in determining whether a concern is the manufacturer of the end item:

(i) The proportion of total value in the end item added by the efforts of the concern, excluding costs of overhead, testing, quality control, and profit; and

(ii) The importance of the elements added by the concern to the function of the end item, regardless of their relative value.

(3) The Administrator or designee may waive the requirement set forth in paragraph (b)(1)(iii) of this section under the following two circumstances:

(i) The contracting officer has determined that no small business manufacturer or processor reasonably can be expected to offer a product meeting the specifications (including period for performance) required by a particular solicitation and SBA reviews and accepts that determination; or

(ii) SBA determines that no small business manufacturer or processor of the product or class of products is available to participate in the Federal procurement market.

(4) The two waiver possibilities identified in paragraph (b)(3) of this section are called "individual" and "class" waivers respectively, and the procedures for them are contained in § 121.1204 .

(5) Any SBA waiver of the nonmanufacturer rule has no effect on requirements external to the Small Business Act which involve domestic sources of supply, such as the Buy American Act.

(c) *Kit assemblers.* (1) Where the manufactured item being acquired is a kit of supplies or other goods provided by

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an offeror for a special purpose, the offeror cannot exceed 500 employees, and 50 percent of the total value of the components of the kit must be manufactured by business concerns in the United States which are small under the size standards for the NAICS codes of the components being assembled. The offeror need not itself be the manufacturer of any of the items assembled.

(2) Where the Government has specified an item for the kit which is not produced by U.S. small business concerns, such item shall be excluded from the calculation of total value in paragraph (c)(1) of this section.

(d) *Simplified Acquisition Procedures.* Where the procurement of a manufactured item is processed under Simplified Acquisition Procedures, as defined in § 13.101 of the Federal Acquisition Regulation (FAR) (48 CFR 13.101), and where the anticipated cost of the procurement will not exceed \$25,000, the offeror need not supply the end product of a small business concern as long as the product acquired is manufactured or produced in the United States, and the offeror does not exceed 500 employees. The offeror need not itself be the manufacturer of any of the items acquired.

[61 FR 3286, Jan. 31, 1996; 61 FR 7986, Mar. 1, 1996, as amended at 65 FR 30863, May 15, 2000]

### § 121.407 What are the size procedures for multiple item procurements?

If a procurement calls for two or more specific end items or types of services with different size standards and the offeror may submit an offer on any or all end items or types of services, the offeror must meet the size standard for each end item or service item for which it submits an offer. If the procurement calls for more than one specific end item or type of service and an offeror is required to submit an offer on all items, the offeror may qualify as a small business for the procurement if it meets the size standard of the item which accounts for the greatest percentage of the total contract value.

### § 121.408 What are the size procedures for SBA's Certificate of Competency Program?

(a) A firm which applies for a COC must file an "Application for Small Business Size Determination" (SBA Form 355). If the initial review of SBA Form 355 indicates the applicant, including its affiliates, is small for purposes of the COC program, SBA will process the application for COC. If the review indicates the applicant, including its affiliates, is other than small, SBA will initiate a formal size determination as set forth in § 121.1009. In such a case, SBA will not further process the COC application until a formal size determination is made.

(b) A concern is ineligible for a COC if a formal SBA size determination finds the concern other than small.

### § 121.409 What size standard applies in an unrestricted procurement for Certificate of Competency purposes?

For the purpose of receiving a Certificate of Competency in an unrestricted procurement, the applicable size standard is that corresponding to the NAICS code set forth in the solicitation. For a manufactured product, a concern must also furnish a domestically produced or manufactured product, regardless of the size status of the product manufacturer. The offeror need not be the manufacturer of any of the items acquired.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

### § 121.410 What are the size standards for SBA's Section 8(d) Subcontracting Program?

For subcontracting purposes pursuant to section 8(d) of the Small Business Act, a concern is small:

(a) For subcontracts of \$10,000 or less which relate to Government procurements, if its number of employees (including its affiliates) does not exceed 500 employees. However, subcontracts for engineering services awarded under the National Energy Policy Act of 1992 have the same size standard as Military and Aerospace Equipment and Military Weapons under NAICS code 541330;

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(b) For subcontracts exceeding \$10,000 which relate to Government procurements, if its number of employees or average annual receipts (including its affiliates) does not exceed the size standard for the product or service it is providing on the subcontract; and

(c) For subcontracts for financial services, if the concern (including its affiliates) is a commercial bank or savings and loan association whose assets do not exceed \$100 million.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

### **§ 121.411 What are the size procedures for SBA's Section 8(d) Subcontracting Program?**

(a) Prime contractors may rely on the information contained in SBA's Procurement Automated Source System (PASS), or equivalent data base maintained or sanctioned by SBA, as an accurate representation of a concern's size and ownership characteristics for purposes of maintaining a small business source list. Even though a concern is on a small business source list, it must still qualify and self-certify as a small business at the time it submits its offer as a section 8(d) subcontractor.

(b) Upon determination of the successful subcontract offeror for a competitive subcontract, but prior to award, the prime contractor must inform each unsuccessful subcontract offeror in writing of the name and location of the apparent successful offeror.

(c) The self-certification of a concern subcontracting or proposing to subcontract under section 8(d) of the Small Business Act may be protested by the contracting officer, the prime contractor, the appropriate SBA official or any other interested party.

### **§ 121.412 What are the size procedures for partial small business set-asides?**

A firm is required to meet size standard requirements only for the small business set-aside portion of a procurement, and is not required to qualify as a small business for the unrestricted portion.

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### **§ 121.413 What size must a concern be to be eligible for the Very Small Business program?**

A concern is a very small business (*see* §125.7 of this chapter) if, together with its affiliates, it has no more than 15 employees and its average annual receipts do not exceed \$1 million.

[63 FR 46642, Sept. 2, 1998]

## **SIZE ELIGIBILITY REQUIREMENTS FOR SALES OR LEASE OF GOVERNMENT PROPERTY**

### **§ 121.501 What programs for sales or leases of Government property are subject to size determinations?**

Sections 121.501 through 121.512 apply to small business size determinations for the purpose of the sale or lease of Government property, including the Timber Sales Program, the Special Salvage Timber Sales Program, and the sale of Government petroleum, coal and uranium.

### **§ 121.502 What size standards are applicable to programs for sales or leases of Government property?**

(a) Unless otherwise specified in this part—

(1) A concern primarily engaged in manufacturing is small for sales or leases of Government property if it does not exceed 500 employees;

(2) A concern not primarily engaged in manufacturing is small for sales or leases of Government property if it has annual receipts not exceeding \$2 million.

(b) Size status for such sales and leases is determined by the primary industry of the applicant business concern.

### **§ 121.503 Are SBA size determinations binding on parties?**

Formal size determinations based upon a specific Government sale or lease, or made in response to a request from another Government agency under §121.901, are binding upon the parties. Other SBA opinions provided to contracting officers or others are only advisory, and are not binding or appealable.

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### § 121.504 When does SBA determine the size status of a business concern?

SBA determines the size status of a concern (including its affiliates) as of the date the concern submits a written self-certification that it is small to the Government as part of its initial offer including price where there is a specific sale or lease at issue, or as set forth in § 121.903 if made in response to a request of another Government agency.

### § 121.505 What is the effect of a self-certification?

(a) A contracting officer may accept a concern's self-certification as true for the particular sale or lease involved, in the absence of a written protest by other offerors or other credible information which would cause the contracting officer or SBA to question the size of the concern.

(b) Procedures for protesting the self-certification of an offeror are set forth in §§ 121.1001 through 121.1009.

### § 121.506 What definitions are important for sales or leases of Government-owned timber?

(a) *Forest product industry* means logging, wood preserving, and the manufacture of lumber and wood related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood related products are the principal raw materials.

(b) *Logging of timber* means felling and bucking, yarding, and/or loading. It does not mean hauling.

(c) *Manufacture of logs* means, at a minimum, breaking down logs into rough cuts of the finished product.

(d) *Sell* means, in addition to its usual and customary meaning, the exchange of sawlogs for sawlogs on a product-for-product basis with or without monetary adjustment, and an indirect transfer, such as the sale of the assets of a concern after it has been awarded one or more set-aside sales of timber.

(e) *Significant logging of timber* means that a concern uses its own employees to perform at least two of the following: felling and bucking, yarding, and loading.

### § 121.507 What are the size standards and other requirements for the purchase of Government-owned timber (other than Special Salvage Timber)?

(a) To be small for purposes of the sale of Government-owned timber (other than Special Salvage Timber) a concern must:

(1) Be primarily engaged in the logging or forest products industry;

(2) Not exceed 500 employees, taking into account its affiliates; and

(3) If it does not intend at the time of the offer to resell the timber—

(i) Agree that it will manufacture the logs with its own facilities or those of another business which meets the requirements of paragraphs (a)(1) and (a)(2) of this section;

(ii) Agree that if it eventually resells the timber, it will resell no more than 30% of the sawtimber volume to other businesses which do not meet the requirements of paragraphs (a)(1) and (a)(2) of this section; and

(iii) Agree that if it becomes acquired or controlled by a business which does not meet the requirements of paragraphs (a)(1) and (a)(2) of this section, it will require as a condition of the acquisition or change of control that the acquiring or controlling business resell at least 70% of the sawtimber volume to businesses which do meet the requirements of paragraphs (a)(1) and (a)(2) of this section; or

(4) If it intends at the time of offer to resell the timber—

(i) Agree that it will not sell more than 30% of such timber (50% of such timber if the concern is an Alaskan business) to a business which does not meet the requirements of paragraphs (a)(1) and (a)(2) of this section; and

(ii) Agree that if it becomes acquired or controlled by a business which does not meet the requirements of paragraphs (a)(1) and (a)(2) of this section, it will require as a condition of the acquisition or change of control that the acquiring or controlling business resell at least 70% of the sawtimber volume (or at least 50% of the sawtimber volume, if it is an Alaskan business) to businesses which meet the requirements of paragraphs (a)(1) and (a)(2) of this section.

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(b) For a period of three years following the date upon which a concern purchases timber under a small business set-aside (other than through the Special Salvage Timber Sale program), it must maintain a record of:

(1) The name, address and size status of every concern to which it sells the timber or sawlogs; and

(2) The species, grades and volumes of sawlogs sold.

(c) For a period of three years following the date upon which a concern purchases timber, it must by contract require all small business repurchasers of the sawlogs or timber it purchased under the small business set-aside to maintain the records described in paragraph (b) of this section.

### **§ 121.508 What are the size standards and other requirements for the purchase of Government-owned Special Salvage Timber?**

(a) In order to purchase Government-owned Special Salvage Timber from the United States Forest Service or the Bureau of Land Management as a small business, a concern must:

(1) Be primarily engaged in the logging or forest product industry;

(2) Have, together with its affiliates, no more than twenty-five employees during any pay period for the last twelve months; and

(3) If it does not intend at the time of offer to resell the timber—

(i) Agree that it will manufacture a significant portion of the logs with its own employees; and

(ii) Agree that it will log the timber only with its own employees or with employees of another business which is eligible for award of a Special Salvage Timber sales contract; or

(4) If it intends at the time of offer to resell the timber, agree that it will perform a significant portion of timber logging with its own employees and that it will subcontract the remainder of the timber logging to a concern which is eligible for award of a Special Salvage Timber sales contract.

### **§ 121.509 What is the size standard for leasing of Government land for coal mining?**

A concern is small for this purpose if it:

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(a) Together with its affiliates, does not have more than 250 employees;

(b) Maintains management and control of the actual mining operations of the tract; and

(c) Agrees that if it subleases the Government land, it will be to another small business, and that it will require its sublessors to agree to the same.

### **§ 121.510 What is the size standard for leasing of Government land for uranium mining?**

A concern is small for this purpose if it, together with its affiliates, does not have more than 100 employees.

### **§ 121.511 What is the size standard for buying Government-owned petroleum?**

A concern is small for this purpose if it is primarily engaged in petroleum refining and meets the size standard for a petroleum refining business.

### **§ 121.512 What is the size standard for stockpile purchases?**

A concern is small for this purpose if:

(a) It is primarily engaged in the purchase of materials which are not domestic products; and

(b) Its annual receipts, together with its affiliates, do not exceed \$42 million.

## **SIZE ELIGIBILITY REQUIREMENTS FOR THE MINORITY ENTERPRISE DEVELOPMENT (MED) PROGRAM**

### **§ 121.601 What is a small business for purposes of admission to SBA's Minority Enterprise Development (MED) program?**

An applicant must be small under the size standard corresponding to its primary industry classification in order to be admitted to SBA's Minority Enterprise Development (MED) program.

### **§ 121.602 At what point in time must a MED applicant be small?**

A MED applicant must be small for its primary industry at the time SBA certifies it for admission into the program.

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### § 121.603 How does SBA determine whether a Participant is small for a particular MED subcontract?

(a) *Self certification by Participant.* A MED Participant must certify that it qualifies as a small business under the NAICS code assigned to a particular MED subcontract as part of its initial offer including price to the procuring agency. The Participant also must submit a copy of its offer, including its self-certification as to size, to the appropriate SBA district office at the same time it submits the offer to the procuring agency. See § 121.404 for the time at which size is determined for, and § 121.406 for the applicability of the nonmanufacturer rule to, MED procurements.

(b) *Verification of size by SBA.* Within 30 days of its receipt of a Participant's size self-certification for a particular MED subcontract, the SBA district office serving the geographic area in which the Participant's principal office is located will review the Participant's self-certification and determine if it is small for purposes of that subcontract. The SBA district office will review the Participant's most recent financial statements and other relevant data and then notify the Participant of its decision.

(c) *Changes in size between date of self-certification and date of award.* (1) Where SBA verifies that the selected Participant is small for a particular procurement, subsequent changes in size up to the date of award, except those due to merger with or acquisition by another business concern, will not affect the firm's size status for that procurement.

(2) Where a Participant has merged with or been acquired by another business concern between the date of its self-certification and the date of award, the concern must recertify its size status, and SBA must verify the new certification before award can occur.

(d) *Finding Participant to be other than small.* (1) A Participant may request a formal size determination (pursuant to §§ 121.1001 through 121.1009) with the SBA Government Contracting Area Office serving the geographic area in which the principal office of the Participant is located within 5 working days of its receipt of notice from the

SBA district office that it is not small for a particular MED subcontract.

(2) Where the Participant does not timely request a formal size determination, SBA may accept the procurement in support of another Participant, or may rescind its acceptance of the offer for the MED program, as appropriate.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

### § 121.604 Are MED Participants considered small for purposes of other SBA assistance?

A concern which SBA determines to be a small business for the award of a MED subcontract will be considered to have met applicable size eligibility requirements of other SBA programs where that assistance directly and primarily relates to the performance of the MED subcontract in question.

## SIZE ELIGIBILITY REQUIREMENTS FOR THE SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM

### § 121.701 What SBIR programs are subject to size determinations?

(a) These sections apply to size status for award of a funding agreement pursuant to the Small Business Innovation Development Act of 1982 (Pub. L. 97-219, 15 U.S.C. 638(e) through (k)).

(b) *Funding agreement officer* means a contracting officer, a grants officer, or a cooperative agreement officer.

(c) *Funding agreement* means any contract, grant or cooperative agreement entered into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government. Such work includes:

(1) A systematic, intensive study directed toward greater knowledge or understanding of the subject studied;

(2) A systematic study directed specifically toward applying new knowledge to meet a recognized need; or

(3) A systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes

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and new processes to meet specific requirements.

### **§ 121.702 What size standards are applicable to the SBIR program?**

To be eligible to compete for award of funding agreements in SBA's Small Business Innovation Research (SBIR) program, a business concern must:

- (a) Be at least 51 percent owned and controlled by one or more individuals who are citizens of, or permanent resident aliens in, the United States; and
- (b) Not have more than 500 employees, including its affiliates.

### **§ 121.703 Are formal size determinations binding on parties?**

Size determinations by authorized SBA officials are formal actions based upon a specific funding agreement, and are binding upon the parties. Other SBA opinions provided to funding agreement officers or others, are only advisory, and are not binding or appealable.

### **§ 121.704 When does SBA determine the size status of a business concern?**

The size status of a concern for the purpose of a funding agreement under the SBIR program is determined as of the date of the award for both Phase I and Phase II SBIR awards.

### **§ 121.705 Must a business concern self-certify its size status?**

- (a) A firm must self-certify it is small in its SBIR funding proposal.
- (b) A funding agreement officer may accept a concern's self-certification as true for the particular funding agreement involved in the absence of a written protest by other offerors or other credible information which would cause the funding agreement officer or SBA to question the size of the concern.
- (c) Procedures for protesting an offeror's self-certification are set forth in §§ 121.1001 through 121.1009.

SIZE ELIGIBILITY REQUIREMENTS FOR  
PAYING REDUCED PATENT FEES

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### **§ 121.801 May patent fees be reduced if a concern is small?**

These sections apply to size status for the purpose of paying reduced patent fees authorized by Pub. L. 97-247, 96 Stat. 317. The eligibility requirements for independent inventors and non-profit organizations for the purpose of paying reduced patent fees are set forth in regulations of the Patent and Trademark Office of the Department of Commerce, 37 CFR 1.9, 1.27, 1.28.

### **§ 121.802 What size standards are applicable to reduced patent fees programs?**

A concern eligible for reduced patent fees is one:

- (a) Whose number of employees, including affiliates, does not exceed 500 persons; and
- (b) Which has not assigned, granted, conveyed, or licensed (and is under no obligation to do so) any rights in the invention to any person who made it and could not be classified as an independent inventor, or to any concern which would not qualify as a non-profit organization or a small business concern under this section.

### **§ 121.803 Are formal size determinations binding on parties?**

Size determinations by authorized SBA officials are formal actions, based upon a specific patent application pursuant to the rules of the Patent and Trademark Office, Department of Commerce, and are binding upon the parties. Other SBA opinions provided to patent applicants or others are only advisory, and are not binding or appealable.

### **§ 121.804 When does SBA determine the size status of a business concern?**

Size status is determined as of the date of the patent applicant's written verification of size.

### **§ 121.805 May a business concern self-certify its size status?**

- (a) A concern verifies its size status with its submission of its patent application.
- (b) Any attempt to establish small size status improperly (fraudulently, through gross negligence, or otherwise)



may result in remedial action by the Patent and Trademark Office.

(c) In the absence of credible information indicating otherwise, the Patent and Trademark Office may accept the verification by the concern as a small business as true.

(d) Questions concerning the size verification are resolved initially by the Patent and Trademark Office. If not verified as small, the applicant may request a formal SBA size determination.

#### SIZE ELIGIBILITY REQUIREMENTS FOR COMPLIANCE WITH PROGRAMS OF OTHER AGENCIES

##### **§ 121.901 Can other Government agencies obtain SBA size determinations?**

Upon request by another Government agency, SBA will provide a size determination, under SBA rules, standards and procedures, for its use in determining compliance with small business requirements of its statutes, regulations or programs.

##### **§ 121.902 What size standards are applicable to programs of other agencies?**

(a) *SBA size standards.* The size standards for compliance with programs of other agencies are those for SBA programs which are most comparable to the programs of such other agencies, unless otherwise agreed by the agency and SBA.

(b) *Special size standards.* (1) Federal agencies or departments promulgating regulations relating to small businesses usually use SBA size criteria. In limited circumstances, if they decide the SBA size standard is not appropriate, then agency heads may establish a small business definition for the exclusive use of such program which is more appropriate, but only when:

(i) The size standard is first proposed for public comment pursuant to the Administrative Procedure Act, 4 U.S.C. 553;

(ii) The proposed size standard provides for determining size measured by average number of employees over 12 months for manufacturing concerns, average annual revenues over three

years for concerns providing services, and data over a period of not less than three years for all other concerns (unless approved by SBA, “annual receipts” and “number of employees” must be determined in accordance with §§ 121.104 and 121.106, respectively); and

(iii) The proposed size standard is approved by SBA’s Administrator.

(2) In order to receive the approval of SBA’s Administrator, the agency head must:

(i) Request approval prior to publishing the proposed rule containing the size standard. The request must include: an explanation of the contemplated industry size standard, the reasons the SBA size standard is not appropriate, and the reasons the proposed size standard would be appropriate; and a certification that there will be compliance with the criteria set forth in paragraphs (b)(1)(i) and (b)(1)(ii) of this section; and

(ii) Agree to provide written notice to SBA’s Administrator prior to publishing the contemplated size standard as a final rule. The notice must include: a copy of the intended final rule, including the preamble, or a separate written justification for the intended size standard followed by a copy of the intended final rule and preamble prior to its publication; copies of all public comments relating to the size standard received in response to the proposed rule; and any other supporting documentation relevant to the size standard and requested by SBA’s Administrator.

(3) When approving any size standard established pursuant to subsection (b) of this section, SBA’s Administrator will ensure that the size standard varies from industry to industry to the extent necessary to reflect the differing characteristics of the various industries, and consider other relevant factors.

(4) Where the agency head is developing a size standard for the sole purpose of performing a Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act, the department or agency may, after consultation with the SBA Office of Advocacy, establish a size standard different from SBA’s which is more appropriate for such analysis.

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### § 121.903 When does SBA determine the size status of a business concern?

For the purpose of compliance with programs of other agencies, SBA will base its size determination on the size of the concern as of the date set forth in the request of the other agency.

#### PROCEDURES FOR SIZE PROTESTS AND REQUESTS FOR FORMAL SIZE DETERMINATIONS

### § 121.1001 Who may initiate a size protest or request a formal size determination?

(a) *Size Status Protests.* (1) For SBA's Small Business Set-Aside Program, including the Property Sales Program, the following entities may file a size protest in connection with a particular procurement or sale:

- (i) Any offeror;
- (ii) The contracting officer;
- (iii) The SBA Government Contracting Area Director having responsibility for the area in which the headquarters of the protested offeror is located, regardless of the location of a parent company or affiliates, or the Associate Administrator for Government Contracting; and
- (iv) Other interested parties. Other interested parties include large businesses where only one concern submitted an offer for the specific procurement in question. A concern found to be other than small in connection with the procurement is not an interested party unless there is only one remaining offeror after the concern is found to be other than small.

(2) For competitive 8(a) contracts, the following entities may protest:

- (i) Any offeror;
- (ii) The contracting officer; or
- (iii) The SBA District Director, or designee, in either the district office serving the geographical area in which the procuring activity is located or the district office that services the apparent successful offeror, or the Associate Administrator for 8(a) Business Development.

(3) For SBA's Subcontracting Program, the following entities may protest:

- (i) The prime contractor;

- (ii) The contracting officer;
- (iii) Other potential subcontractors;
- (iv) The responsible SBA Government Contracting Area Director or the Associate Administrator for Government Contracting; and
- (v) Other interested parties.

(4) For SBA's Small Business Innovation Research (SBIR) Program, the following entities may protest:

- (i) A prospective offeror;
- (ii) The funding agreement officer;
- (iii) The responsible SBA Government Contracting Area Director or the Assistant Administrator for Technology; and
- (iv) Other interested parties.

(5) For the Department of Defense's Small Disadvantaged Business (SDB) Program, and any other similar program of another Federal agency, the following entities may file a protest in connection with a particular SDB procurement:

- (i) Any offeror for the specific SDB requirement;
- (ii) The contracting officer; and
- (iii) The responsible SBA Government Contracting Area Director, the Associate Administrator for Government Contracting, or the Associate Administrator for MED.

(6) For SBA's HUBZone program, the following entities may protest in connection with a particular HUBZone procurement:

- (i) Any concern that submits an offer for a specific HUBZone set-aside contract;
- (ii) Any concern that submitted an offer in full and open competition and its opportunity for award will be affected by a price evaluation preference given a qualified HUBZone SBC;
- (iii) The contracting officer; and
- (iv) The Associate Administrator for Government Contracting, or designee.

(7) For any unrestricted Government procurement in which status as a small business may be beneficial, including, but not limited to, the award of a contract to a small business where there are tie bids, the opportunity to seek a Certificate of Competency by a small business, and SDB price evaluation preferences, the following entities may protest in connection with a particular procurement:

- (i) Any offeror;

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(ii) The contracting officer; and  
(iii) The responsible SBA Government Contracting Area Director, the Associate Administrator for Government Contracting, or the Associate Administrator for MED.

(b) *Request for Size Determinations.* (1) For SBA's Financial Assistance Programs, the following entities may request a formal size determination:

(i) The applicant for assistance; and  
(ii) The SBA official with authority to take final action on the assistance requested. That official may also request the appropriate Government Contracting Area Office to determine whether affiliation exists between an applicant for financial assistance and one or more other entities for purposes of determining whether the applicant would exceed the loan limit amount imposed by § 120.151 of this chapter.

(2) For SBA's 8(a) BD program:

(i) Concerning initial or continued 8(a) BD eligibility, the following entities may request a formal size determination:

(A) The 8(a) BD applicant concern or Participant; or

(B) The Assistant Administrator of the Division of Program Certification and Eligibility or the Associate Administrator for 8(a)BD.

(ii) Concerning individual sole source 8(a) contract awards, the following entities may request a formal size determination:

(A) The Participant nominated for award of the particular sole source contract;

(B) The SBA program official with authority to execute the 8(a) contract; or

(C) The SBA District Director in the district office that services the Participant, or the Associate Administrator for 8(a)BD.

(3) For SBA's Certificate of Competency Program, the following entities may request a formal size determination:

(i) The offeror who has applied for a COC; and

(ii) The responsible SBA Government Contracting Area Director or the Associate Administrator for Government Contracting.

(4) For SBA's sale or lease of government property, the following entities

may request a formal size determination:

(i) The responsible SBA Government Contracting Area Director or the Associate Administrator for Government Contracting; and

(ii) Authorized officials of other Federal agencies administering a property sales program.

(5) For eligibility to pay reduced patent fees, the following entities may request a formal size determination:

(i) The applicant for the reduced patent fees; and

(ii) The Patent and Trademark Office.

(6) For purposes of determining compliance with small business requirements of another Government agency program not otherwise specified in this section, an official with authority to administer the program involved may request a formal size determination.

[61 FR 3286, Jan. 31, 1996, as amended at 63 FR 31907, June 11, 1998; 63 FR 35739, June 30, 1998]

### § 121.1002 Who makes a formal size determination?

The responsible Government Contracting Area Director or designee makes all formal size determinations in response to either a size protest or a request for a formal size determination, with the exception of size determinations for purposes of the Disaster Loan Program, which will be made by the Disaster Area Office Director or designee responsible for the area in which the disaster occurred.

### § 121.1003 Where should a size protest be filed?

A protest involving a government procurement or sale must be filed with the contracting officer for the procurement or sale, who must forward the protest to the SBA Government Contracting Area Office serving the area in which the headquarters of the protested concern is located, regardless of the location of any parent company or affiliates.

### § 121.1004 What time limits apply to size protests?

(a) *Protests by entities other than contracting officers or SBA.* (1) *Non-negotiated procurement or sale.* A protest

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must be received by the contracting officer prior to the close of business on the 5th day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening.

(2) *Negotiated procurement.* A protest must be received by the contracting officer prior to the close of business on the 5th day, exclusive of Saturdays, Sundays, and legal holidays, after the contracting officer has notified the protestor of the identity of the prospective awardee.

(3) *Multiple award schedule.* On a multiple award schedule procurement set aside for small business, protests will be considered timely if received by SBA at any time prior to the expiration of the contract period (including renewals).

(b) *Protests by contracting officers or SBA.* The time limitations in paragraph (a) of this section do not apply to contracting officers or SBA, and they may file protests before or after awards, except to the extent set forth in paragraph (e) of this section.

(c) *Effect of contract award.* A timely filed protest applies to the procurement in question even though a contracting officer awarded the contract prior to receipt of the protest.

(d) *Untimely protests.* A protest received after the allotted time limits must still be forwarded to SBA. SBA will dismiss untimely protests.

(e) *Premature protests.* A protest filed by any party, including the contracting officer, before bid opening or notification to offerors of the selection of the apparent successful offer will be dismissed as premature.

## § 121.1005 How must a protest be filed with the contracting officer?

A protest must be delivered to the contracting officer by hand, telegram, mail, FAX, or telephone. If a protest is made by telephone, the contracting officer must later receive a confirming letter either within the 5-day period in § 121.1004(a)(1) or postmarked no later than one day after the date of the telephone protest.

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## § 121.1006 When will a size protest be referred to an SBA Government Contracting Area Office?

(a) A contracting officer who receives a protest (other than from SBA) must forward the protest promptly to the SBA Government Contracting Area Office serving the area in which the headquarters of the offeror is located.

(b) A contracting officer's referral must contain the following information:

(1) The protest and any accompanying materials;

(2) A copy of the self-certification as to size;

(3) Identification of the applicable size standard;

(4) A copy of the solicitation;

(5) Identification of the date of bid opening or notification provided to unsuccessful offerors;

(6) The date on which the protest was received; and

(7) A complete address and point of contact for the protested concern.

## § 121.1007 Must a protest of size status relate to a particular procurement and be specific?

(a) *Particular procurement.* A protest challenging the size of a concern which does not pertain to a particular procurement or sale will not be acted on by SBA.

(b) *A protest must include specific facts.* A protest must be sufficiently specific to provide reasonable notice as to the grounds upon which the protested concern's size is questioned. Some basis for the belief or allegation stated in the protest must be given. A protest merely alleging that the protested concern is not small or is affiliated with unnamed other concerns does not specify adequate grounds for the protest. No particular form is prescribed for a protest. Where materials supporting the protest are available, they should be submitted with the protest.

(c) *Non-specific protests will be dismissed.* Protests which do not contain sufficient specificity will be dismissed by SBA.

**§ 121.1008 What happens after SBA receives a size protest or a request for a formal size determination?**

(a) When a size protest is received, the SBA Government Contracting Area Director, or designee, will promptly notify the contracting officer, the protested concern, and the protestor that a protest has been received. In the event the size protest pertains to a requirement involving SBA's HUBZone Program, the Government Contracting Area Director will advise the AA/HUB of receipt of the protest. In the event the size protest pertains to a requirement involving SBA's SBIR Program, the Government Contracting Area Director will advise the Assistant Administrator for Technology of the receipt of the protest. SBA will provide a copy of the protest to the protested concern along with a blank SBA Application for Small Business Size Determination (SBA Form 355) by certified mail, return receipt requested, or by any overnight delivery service that provides proof of receipt. SBA will ask the protested concern to respond to the allegations of the protestor.

(b) When SBA receives a request for a formal size determination in accord with § 121.1001(b), SBA will provide a blank copy of SBA Form 355 to the concern whose size is at issue.

(c) The protested concern or concern whose size is at issue must return the completed SBA Form 355 and all other requested information to SBA within 3 working days from the date of receipt of the blank form from SBA. SBA has discretion to grant an extension of time to file the form. The firm must attach to the completed SBA Form 355 its answers to the allegations contained in the protest, where applicable, together with any supporting material.

(d) If a concern does not submit a completed SBA Form 355, answers to the protest allegations, or other requested information within the allotted time provided by SBA, or if it submits incomplete information, SBA may presume that disclosure of the form, any information missing from it, or other missing information would show or tend to show that the concern is other than a small business.

[61 FR 3286, Jan. 31, 1996, as amended at 63 FR 31908, June 11, 1998]

**§ 121.1009 What are the procedures for making the size determination?**

(a) *Time frame for making size determination.* After receipt of a protest or a request for a formal size determination, SBA will make a formal size determination within 10 working days, if possible.

(b) *Basis for determination.* The size determination will be based primarily on information supplied by the protestor or the entity requesting the size determination and the subject concern. The determination, however, may also be based on other grounds not raised in the protest or request for size determination. SBA may utilize other information in its files and may make inquiries including requests to the protestor, the protested concern and any alleged affiliates, or other persons for additional specific information.

(c) *Burden of persuasion.* The concern whose size is under consideration has the burden of establishing its small business size.

(d) *Weight of evidence.* SBA will give greater weight to specific, signed, factual evidence than to general, unsupported allegations or opinions. In the case of refusal or failure to furnish requested information within a required time period, SBA may assume that disclosure would be contrary to the interests of the party failing to make disclosure.

(e) *Formal size determination.* The SBA will base its formal size determination upon the record, including reasonable inferences from the record, and will state in writing the basis for its findings and conclusions.

(f) *Notification of determination.* SBA will promptly notify the contracting officer, the protestor, and the protested offeror, as well as each affiliate or alleged affiliate, of the size determination. The notification will be by certified mail, return receipt requested, or by any overnight delivery service that provides proof of receipt.

(g) *Results of an SBA size determination.* (1) A formal size determination becomes effective immediately and remains in full force and effect unless and until reversed by OHA.

(2) Once SBA has determined that a concern is other than small for purposes of a particular procurement, the

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concern cannot later become eligible for the procurement by reducing its size.

(3) A concern determined to be other than small for a particular size standard is ineligible for any procurement or assistance authorized by the Small Business Act or the Small Business Investment Act of 1958, requiring the same or a lower size standard, unless recertified as small pursuant to § 121.1010. Following an adverse size determination, a concern cannot again self-certify as small within the same or a lower size standard unless it is recertified as small by SBA. If it does so, it may be in violation of criminal laws, including section 16(d) of the Small Business Act, 15 U.S.C. 645(d). If the concern has already certified itself as small on a pending procurement or on another assistance application, the concern must immediately inform the officials responsible for the pending procurement or other requested assistance of the adverse size determination.

(h) *Limited reopening of size determinations.* In cases where the size determination contains clear administrative error or a clear mistake of fact, SBA may, in its sole discretion, reopen the size determination to correct the error or mistake, provided the case has not been accepted for review by OHA.

### **§ 121.1010 How does a concern become recertified as a small business?**

(a) A concern may request SBA to recertify it as small at any time by filing an application for recertification with the Government Contracting Area Office responsible for the area in which the headquarters of the applicant is located, regardless of the location of parent companies or affiliates. No particular form is prescribed for the application; however, the request for recertification must be accompanied by a current completed SBA Form 355 and any other information sufficient to show a significant change in its ownership, management, or other factors bearing on its status as a small concern.

(b) Recertification will not be required nor will the prohibition against future self-certification apply if the adverse SBA size determination is based solely on a finding of affiliation due to

a joint venture (e.g., ostensible subcontracting) limited to a particular Government procurement or property sale, or is based on an ineligible manufacturer where the eligible small business bidder or offeror is a nonmanufacturer on a particular Government procurement.

(c) A denial of an application for recertification is a formal size determination and may be reviewed by OHA at the discretion of that office.

(d) The granting of an application for recertification has future effect only. While it is a formal size determination, notice of recertification is required to be given only to the applicant.

### **APPEALS OF SIZE DETERMINATIONS AND SIC CODE DESIGNATIONS**

### **§ 121.1101 Are formal size determinations subject to appeal?**

There is no right of appeal of a size determination. OHA, however, may, in its sole discretion, review a formal size determination made by a SBA Government Contracting Area Office or by a Disaster Area Office. Unless OHA accepts a petition for review of a formal size determination, the size determination made by a SBA Government Contracting Area Office or by a Disaster Area Office is the final decision of SBA. The procedures for requesting discretionary reviews by OHA of formal size determinations are set forth in part 134 of this chapter.

### **§ 121.1102 Are SIC code designations subject to appeal?**

Appeals may be made to OHA, which has exclusive jurisdiction to determine appeals of NAICS code designations pursuant to part 134 of this chapter.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

### **§ 121.1103 What are the procedures for appealing an NAICS code designation?**

(a) Generally, any interested party who has been adversely affected by an NAICS code designation may appeal the designation to OHA. However, with respect to a particular sole source 8(a) contract, only the Associate Administrator for 8(a)BD may appeal.

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(b) Procedures for perfecting NAICS code appeals with OHA are contained in § 19.303 of the Federal Acquisition Regulations, 48 CFR 19.303.

[61 FR 3286, Jan. 31, 1996, as amended at 63 FR 35739, June 30, 1998; 65 FR 30863, May 15, 2000]

### Subpart B—Other Applicable Provisions

#### WAIVERS OF THE NONMANUFACTURER RULE FOR CLASSES OF PRODUCTS AND INDIVIDUAL CONTRACTS

#### § 121.1201 What is the Nonmanufacturer Rule?

The Nonmanufacturer Rule is set forth in § 121.406(b).

#### § 121.1202 When will a waiver of the Nonmanufacturer Rule be granted for a class of products?

(a) A waiver for a class of products (class waiver) will be granted when there are no small business manufacturers or processors available to participate in the Federal market for that class of products.

(b) *Federal market* means acquisitions by the Federal Government from offerors located in the United States, or such smaller area as SBA designates if it concludes that the class of products is not supplied on a national basis.

(1) When considering the appropriate market area for a product, SBA presumes that the entire United States is the relevant Federal market, unless it is clearly demonstrated that a class of products cannot be procured on a national basis. This presumption may be particularly difficult to overcome in the case of manufactured products, since such items typically have a market area encompassing the entire United States.

(2) When considering geographic segmentation of a Federal market, SBA will not necessarily use market definitions dependent on airline radius, political, or SBA regional boundaries. Market areas typically follow established transportation routes rather than jurisdictional borders. SBA examines the following factors, among others, in cases where geographic seg-

mentation for a class of products is urged:

(i) Whether perishability affects the area in which the product can practically be sold;

(ii) Whether transportation costs are high as a proportion of the total value of the product so as to limit the economic distribution of the product;

(iii) Whether there are legal barriers to transportation of the item;

(iv) Whether a fixed, well-delineated boundary exists for the purported market area and whether this boundary has been stable over time; and

(v) Whether a small business, not currently selling in the defined market area, could potentially enter the market from another area and supply the market at a reasonable price.

(c) *Available to participate* in the context of the Federal market means that contractors exist that have been awarded or have performed a contract to supply a specific class of products to the Federal Government within 24 months from the date of the request for waiver, either directly or through a dealer, or who have submitted an offer on a solicitation for that class of products within that time frame.

(d) *Class of products* is an individual subdivision within an NAICS Industry Number as established by the Office of Management and Budget in the NAICS Manual.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

#### § 121.1203 When will a waiver of the Nonmanufacturer Rule be granted for an individual contract?

An individual waiver for a product in a specific solicitation will be approved when the SBA Associate Administrator for Government Contracting reviews and accepts a contracting officer's determination that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications of a solicitation, including the period of performance.

**§ 121.1204 What are the procedures for requesting and granting waivers?**

(a) *Waivers for classes of products.* (1) SBA may, at its own initiative, examine a class of products for possible waiver of the Nonmanufacturer Rule.

(2) Any interested person, business, association, or Federal agency may submit a request for a waiver for a particular class of products. Requests should be addressed or hand-carried to the Associate Administrator of Government Contracting, Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

(3) Requests for a waiver of a class of products need not be in any particular form, but should include a statement of the class of products to be waived, the applicable NAICS code, and detailed information on the efforts made to identify small business manufacturers or processors for the class.

(4) If SBA decides that there are small business manufacturers or processors in the Federal procurement market, it will deny the request for waiver, issue notice of the denial, and provide the names, addresses, and telephone numbers of the sources found. If SBA does not initially confirm the existence of small business manufacturers or processors in the Federal market, it will:

(i) Publish notices in the Commerce Business Daily and the FEDERAL REGISTER seeking information on small business manufacturers or processors, announcing a notice of intent to waive the Nonmanufacturer Rule for that class of products and affording the public a 15-day comment period; and

(ii) If no small business sources are identified, publish a notice in the FEDERAL REGISTER stating that no small business sources were found and that a waiver of the Nonmanufacturer Rule for that class of products has been granted.

(5) An expedited procedure for issuing a class waiver may be used for emergency situations, but only if the contracting officer provides a determination to the Associate Administrator for Government Contracting that the procurement is proceeding under the authority of FAR § 6.302–2 (48 CFR 6.302–2) for “unusual and compelling urgency,” or provides a determination materially

the same as one of unusual and compelling urgency. Under the expedited procedure, if a small business manufacturer or processor is not identified by a PASS search, the SBA will grant the waiver for the class of products and then publish a notice in the FEDERAL REGISTER. The notice will state that a waiver has been granted, and solicit public comment for future procurements.

(6) The decision by the Associate Administrator for Government Contracting to grant or deny a waiver is the final decision by the Agency.

(7) A waiver of the Nonmanufacturer Rule for classes of products has no specific time limitation. SBA will, however, periodically review existing class waivers to the Nonmanufacturer Rule to determine if small business manufacturers or processors have become available to participate in the Federal market for the waived classes of products and the waiver should be terminated.

(i) Upon SBA’s receipt of evidence that a small business manufacturer or processor exists in the Federal market for a waived class of products, the waiver will be terminated by the Associate Administrator for Government Contracting. This evidence may be discovered by SBA during a periodic review of existing waivers or may be brought to SBA’s attention by other sources.

(ii) SBA will announce its intent to terminate a waiver for a class of products through the publication of a notice in the FEDERAL REGISTER, asking for comments regarding the proposed termination.

(iii) Unless public comment reveals that no small business manufacturer or processor in fact exists for the class of products in question, SBA will publish a final Notice of Termination in the FEDERAL REGISTER.

(b) *Individual waivers for specific solicitations.* (1) A contracting officer’s request for a waiver of the Nonmanufacturer Rule for specific solicitations need not be in any particular form, but must, at a minimum, include:

(i) A definitive statement of the specific item to be waived and justification as to why the specific item is required;



(ii) The solicitation number, NAICS code, dollar amount of the procurement, and a brief statement of the procurement history;

(iii) A determination by the contracting officer that there are no known small business manufacturers or processors for the requested items (the determination must contain a narrative statement of the contracting officer's efforts to search for small business manufacturers or processors of the item and the results of those efforts, and a statement by the contracting officer that there are no known small business manufacturers for the items and that no small business manufacturer or processor can reasonably be expected to offer the required items); and

(iv) For contracts expected to exceed \$500,000, a copy of the Statement of Work.

(2) Requests should be addressed to the Associate Administrator for Government Contracting, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

(3) SBA will examine the contracting officer's determination and any other information it deems necessary to make an informed decision on the individual waiver request. If SBA's research verifies that no small business manufacturers or processors exist for the item, the Associate Administrator for Government Contracting will grant an individual, one-time waiver. If a small business manufacturer or processor is found for the product in question, the Associate Administrator will deny the request. Either decision represents a final decision by SBA.

[61 FR 3286, Jan. 31, 1996, as amended at 65 FR 30863, May 15, 2000]

#### **§ 121.1205 How is a list of previously granted class waivers obtained?**

A list of classes of products for which waivers of the Nonmanufacturer Rule have been granted will be maintained in SBA's Procurement Automated Source System (PASS). A list of such waivers may also be obtained by contacting the Office of Government Contracting at the Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, or at the nearest SBA Government Contracting Area Office.

## **PART 123—DISASTER LOAN PROGRAM**

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