52.219-28 Postaward Small Business Program Rerepresentation.

As prescribed in 19.309(c)(1), insert the following clause:

Postaward Small Business Program Rerepresentation (Jan 2025)

(a) *Definitions*. As used in this clause—

Long-term contract means a contract of more than five years in duration, including *options*. However, the term does not include contracts that exceed five years in duration because the period of performance has been extended for a cumulative period not to exceed six months under the clause at 52.217-8, *Option* to Extend Services, or other appropriate authority.

Small business concern—

(1) Means a concern, including its *affiliates*, that is independently owned and operated, not dominant in its field of operation, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (d) of this clause.

(2) *Affiliates*, as used in this definition, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

(b) If the Contractor represented that it was any of the *small business concerns* identified in 19.000(a)(3) prior to award of this contract, the Contractor *shall* rerepresent its size and socioeconomic status according to paragraph (f) of this clause or, if applicable, paragraph (h) of this clause, upon occurrence of any of the following:

(1) Within 30 days after execution of a *novation agreement* or within 30 days after modification of the contract to include this clause, if the *novation agreement* was executed prior to inclusion of this clause in the contract.

(2) Within 30 days after a merger or *acquisition* that does not require a novation or within 30 days after modification of the contract to include this clause, if the merger or *acquisition* occurred prior to inclusion of this clause in the contract.

(3) For *long-term contracts*-

(i) Within 60 to 120 days prior to the end of the fifth year of the contract; and

(ii) Within 60 to 120 days prior to the date specified in the contract for exercising any *option* thereafter.

(c) If the Contractor represented its status as any of the *small business concerns* identified at 19.000(a)(3) prior to award of this contract, the Contractor *shall* rerepresent its size and socioeconomic status according to paragraph (f) of this clause or, if applicable, paragraph (h) of this clause, for the NAICS code assigned to an order (except that paragraphs (c)(1) through (3) of this

clause do not apply to an order issued under a Federal Supply Schedule contract at subpart 8.4)—

(1) Set aside exclusively for a *small business concern* identified at 19.000(a)(3) that is issued under an unrestricted *multiple-award contract*, unless the order is issued under the reserved portion of an unrestricted *multiple-award contract* (e.g., an order set aside for a woman-owned small business under a *multiple-award contract* that is not set-aside, unless the order is issued under the reserved portion of the *multiple-award contract*);

(2) Issued under a *multiple-award contract* set aside for small businesses that is further set aside for a specific socioeconomic category that differs from the underlying *multiple-award contract* (e.g., an order set aside for a *HUBZone small business concern* under a *multiple-award contract* that is set aside for small businesses);

(3) Issued under the part of the *multiple-award contract* that is set aside for small businesses that is further set aside for a specific socioeconomic category that differs from the underlying set-aside part of the *multiple-award contract* (e.g., an order set aside for a WOSB concern under the part of the *multiple-award contract* that is partially set aside for small businesses); and

(4) When the *Contracting Officer* explicitly requires it for an order issued under a *multiple-award contract*, including for an order issued under a Federal Supply Schedule contract (see 8.405-5(b) and 19.301-2(b)(2)).

(d) The Contractor *shall* rerepresent its size status in accordance with the size standard in effect at the time of this rerepresentation that corresponds to the North American Industry Classification System (NAICS) code(s) assigned to this contract. The small business size standard corresponding to this NAICS code(s) can be found at https://www.sba.gov/document/support--table-size-standards.

(e) The small business size standard for a Contractor providing an end item that it does not manufacture, process, or produce itself, for a contract other than a *construction* or service contract, is 500 employees, or 150 employees for *information technology* value-added resellers under NAICS code 541519, if the *acquisition*—

(1) Was set aside for small business and has a value above the *simplified acquisition threshold*;

(2) Used the *HUBZone* price evaluation preference regardless of dollar value, unless the Contractor waived the price evaluation preference; or

(3) Was an 8(a), *HUBZone*, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(f) Except as provided in paragraph (h) of this clause, the Contractor *shall* make the representation(s) required by paragraphs (b) and (c) of this clause by validating or updating all its representations in the Representations and Certifications section of the *System for Award Management (SAM*) and its other data in SAM, as necessary, to ensure that they reflect the Contractor's current status. The Contractor *shall* notify the *contracting officer in writing* within the timeframes specified in paragraph (b) of this clause, or with its *offer* for an order (see paragraph (c) of this clause), that the data have been validated or updated, and provide the date of the validation or update.

(g) If the Contractor represented that it was other than a *small business concern* prior to award of this contract, the Contractor *may*, but is not required to, take the actions required by paragraphs (f) or (h) of this clause.

(h) If the Contractor does not have representations and certifications in SAM, or does not have a representation in SAM for the NAICS code applicable to this contract, the Contractor is required to complete the following rerepresentation and submit it to the *contracting office*, along with the contract number and the date on which the rerepresentation was completed:

(1) The Contractor represents that it ☐ is, ☐ is not a *small business concern* under *NAICS Code* _____ assigned to *contract number* _____.

(2) [*Complete only if the Contractor represented itself as a small business concern in paragraph (h)(1) of this clause*.] The Contractor represents that it ☐ is, ☐ is not, a *small disadvantaged business concern* as defined in 13 CFR 124.1001.

(3) [*Complete only if the Contractor represented itself as a small business concern in paragraph (h)(1) of this clause*.] The Contractor represents that it ☐ is, ☐ is not a women-owned *small business concern*.

(4) Women-owned small business (WOSB) joint venture eligible under the WOSB Program. The Contractor represents that it ☐ is, ☐ is not a joint venture that complies with the requirements of 13 CFR 127.506(a) through (c). [*The Contractor shall enter the name and unique entity identifier of each party to the joint venture:* __.]

(5) Economically disadvantaged women-owned small business (EDWOSB) joint venture. The Contractor represents that it ☐ is, ☐ is not a joint venture that complies with the requirements of 13 CFR 127.506(a) through (c). [*The Contractor shall enter the name and unique entity identifier of each party to the joint venture:* __ .]

(6) [*Complete only if the Contractor represented itself as a small business concern in paragraph (h)(1) of this clause.*] The Contractor represents that it ☐ is, ☐ is not a veteran-owned *small business concern*.

(7) [*Complete only if the Contractor represented itself as a veteran-owned small business concern in paragraph (h)(6) of this clause.*] The Contractor represents that it ☐ is, ☐ is not a service-disabled veteran-owned *small business concern*.

(8) *Service-disabled veteran-owned small business (SDVOSB) joint venture eligible under the SDVOSB Program*. The Contractor represents that it ☐ is, ☐ is not an SDVOSB joint venture eligible under the SDVOSB Program that complies with the requirements of 13 CFR 128.402. [*The Contractor shall enter the name and unique entity identifier of each party to the joint venture:* __.]

(9) [*Complete only if the Contractor represented itself as a small business concern in paragraph (h)(1) of this clause.*] The Contractor represents that—

(i) It ☐ is, ☐ is not a *HUBZone small business concern* listed, on the date of this representation, on the List of Qualified *HUBZone Small Business Concerns* maintained by the Small Business Administration, and no material changes in ownership and control, principal office, or *HUBZone* employee percentage have occurred since it was certified in accordance with 13 CFR part 126; and

(ii) It ☐ is, ☐ is not a *HUBZone* joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (h)(8)(i) of this clause is accurate for each *HUBZone small business concern* participating in the *HUBZone* joint venture. [*The Contractor shall enter the names of each of the HUBZone small business concerns participating in the HUBZone joint venture:* _____.] Each *HUBZone small business concern* participating in the *HUBZone* joint venture *shall* submit a separate signed copy of the *HUBZone* representation.

[*Contractor to sign and date and insert authorized signer's name and title.*_____]

(End of clause)

Alternate I (Mar 2020). As prescribed in 19.309 (c)(2), substitute the following paragraph (h)(1) for paragraph (h)(1) of the basic clause:

(h)(1) The Contractor represents its small business size status for each one of the NAICS codes assigned to this contract.

NAICS Code	***Small business concern* (yes/no)**
_____	_____
_____	_____
_____	_____

[*Contracting Officer to insert NAICS codes.*]

Parent topic: 52.219 [Reserved]