

19.301-2 Rerepresentation by a contractor that represented itself as a small business concern.

(a) *Definition.* As used in this subsection-

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.

(b) *Requirements.* A contractor that represented its status as any of the small business *concerns* identified at 19.000(a)(3) before contract award is required to rerepresent its size and socioeconomic status in accordance with the clause at 52.219-28, *Postaward Small Business Program Rerepresentation*—

(1) For the NAICS code(s) in the contract-

(i) Within 30 days after execution of a *novation agreement* or within 30 days after modification of the contract to include the clause at 52.219-28, *Postaward Small Business Program Rerepresentation*, if the *novation agreement* was executed prior to inclusion of this clause in the contract;

(ii) Within 30 days after a merger or *acquisition* (whether the contractor acquires or is acquired by another company) of the contractor that does not require novation or within 30 days after modification of the contract to include the clause at 52.219-28, *Postaward Small Business Program Rerepresentation*, if the merger or *acquisition* occurred prior to inclusion of this clause in the contract;

(iii) For long-term contracts-

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

(B) Within 60 to 120 days prior to the date specified in the contract for exercising any *option* thereafter; or

(2) For the NAICS code assigned to an order (except for an order issued under a Federal Supply Schedule contract)—

(i) 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 *concern* under a *multiple-award contract* that was not set-aside, unless the order is issued under the reserved portion of the *multiple-award contract*);

(ii) 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); or

(iii) 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 part of the *multiple-award contract* that is partially set-aside for small businesses); or

(3) For the NAICS code assigned to an order under a *multiple-award contract*, if the *contracting officer* requires contractors to rerepresent their size and socioeconomic status for that order.

(c) *NAICS code size standard*. A contractor is required to rerepresent its size status in accordance with the size standard in effect at the time of its rerepresentation that corresponds to the NAICS code that was initially assigned to the contract. For *multiple-award contracts* where there is more than one NAICS code assigned, the contractor is required to rerepresent its size status for each NAICS code assigned to the contract.

(d) *Procedures—*

(1) *Contract rerepresentation*. After a contractor rerepresents for a contract that it no longer qualifies as a small business *concern* identified in [19.000\(a\)\(3\)](#) in accordance with [52.219-28](#), the agency *may* no longer include the value of *options* exercised, modifications issued, orders issued, or purchases made under BPAs on that contract in its small business prime *contracting* goal achievements. When a contractor's rerepresentation for a contract qualifies it as a different small business *concern* identified in [19.000\(a\)\(3\)](#) than what it represented for award, the agency *may* include the value of *options* exercised, modifications issued, orders issued, or purchases made under BPAs on that contract in its small business prime *contracting* goal achievements, consistent with the rerepresentation. Agencies *should* issue a modification to the contract capturing the rerepresentation and report it to FPDS within 30 days after notification of the rerepresentation.

(2) *Rerepresentation for a task or delivery order*.

(i) When an order is issued under an unrestricted *multiple-award contract* and the contractor's rerepresentations no longer qualifies it as a small business *concern* identified at [19.000\(a\)\(3\)](#), the agency can no longer include the value of the order in its small business prime *contracting* goal achievements. When a contractor's rerepresentation for an order qualifies it as a different small business *concern* identified at [19.000\(a\)\(3\)](#) than what it represented for contract award, the agency can include the value of the order in its small business prime *contracting* goal achievement, consistent with the rerepresentation.

(ii) A rerepresentation for an order issued under an unrestricted *multiple-award contract* does not change the size or socioeconomic status representation for the contract.

(e) *Size status change*. A change in size status does not change the terms and conditions of the contract. However, the *contracting officer* may require a subcontracting plan for a contract containing [52.219-9](#), Small Business Subcontracting Plan, if a prime contractor's size status changes from small to other than small as a result of a size rerepresentation (see [19.705-2\(b\)\(3\)](#)).

Parent topic: [19.301 Representations and rerepresentations](#).