

Small Business Administration

§ 121.201

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).

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

§121.107 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.

§ 121.201 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.

§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

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
Sector 11—Agriculture, Forestry and Fishing		
Subsector 111—Crop Production		
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
111211	Potato Farming	\$0.5
111219	Other Vegetable (except Potato) and Melon Farming	\$0.5
111310	Orange Groves	\$0.5
111320	Citrus (except Orange) Groves	\$0.5
111331	Apple Orchards	\$0.5
111332	Grape Vineyards	\$0.5
111333	Strawberry Farming	\$0.5
111334	Berry (except Strawberry) Farming	\$0.5
111335	Tree Nut Farming	\$0.5
111336	Fruit and Tree Nut Combination Farming	\$0.5
111339	Other Noncitrus Fruit Farming	\$0.5