

(a) * * *

(52) Review, evaluate, and approve plant or division-wide small, small disadvantaged and women-owned small business master subcontracting plans.

(53) Obtain the contractor's currently approved company- or division-wide plans for small, small disadvantaged and women-owned small business subcontracting for its commercial products, or, if there is no currently approved plan, assist the contracting officer in evaluating the plans for those products.

(54) Assist the contracting officer, upon request, in evaluating an offeror's proposed small, small disadvantaged and women-owned small business subcontracting plans, including documentation of compliance with similar plans under prior contracts.

(55) By periodic surveillance, ensure the contractor's compliance with small, small disadvantaged and women-owned small business subcontracting plans and any labor surplus area contractual requirements; maintain documentation of the contractor's performance under and compliance with these plans and requirements; and provide advice and assistance to the firms involved, as appropriate.

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42.501 [Amended]

57. Section 42.501 is amended in paragraph (b) by removing the word "and" and inserting a comma in its place; and inserting after the word "disadvantaged" the phrase "and women-owned small".

58. Section 42.502 is amended by revising paragraphs (i) and (j) to read as follows:

42.502 Selecting contracts for postaward orientation.

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(i) Contractor's status, if any, as a small business, small disadvantaged or women-owned small business concern;

(j) Contractor's performance history with small, small disadvantaged and women-owned small business subcontracting programs;

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PART 44—SUBCONTRACTING POLICIES AND PROCEDURES**44.202-2 [Amended]**

59. Section 44.202-2 is amended in paragraph (a)(4) by removing the phrase "labor surplus area or"; removing the words "business concerns and" and inserting a comma in its place; and inserting after the word "disadvantaged" the phrase "and women-owned small".

44.303 [Amended]

59. Section 44.303 is amended in paragraph (e) by removing the phrase "labor surplus area concerns and"; and inserting after the word "disadvantaged" the phrase "and women-owned small".

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

60. Section 52.204-00 is added to read as follows:

52.204-00 Women-Owned Business.

As prescribed in 4.603, insert the following provision:

Women-Owned Business (Date)

(a) *Representation.* The offeror represents that it is, is not a women-owned business concern.

(b) *Definition.* "Women-owned business concern," as used in this provision, means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

52.216-21 [Amended]

61. Section 52.216-21 is amended in the introductory text of Alternates III and IV by removing the phrase "or labor surplus area".

62. Section 52.219-1 is revised to read as follows:

52.219-1 Small Business Program Representations.

As prescribed in 19.304(a), insert the following provision:

Small Business Program Representations (Date)

-(a)(1) The standard industrial classification (SIC) code for this acquisition is _____ (insert SIC code).

(2) The small business size standard is _____ (insert size standard).

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) *Representations.* (1) The offeror represents and certifies as part of its offer that it is, is not a small business concern.

(2) The offeror represents and certifies as part of its offer that it is, is not a small disadvantaged business concern.

(3) The offeror represents as part of its offer that it is, is not a women-owned small business concern.

(c) *Definitions.* *Small business concern*, as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121 and size standard above.

Small disadvantaged business concern, as used in this provision, means a small business concern that (1) is at least 51 percent unconditionally owned by one or more individuals who are both socially and economically disadvantaged, or a publicly owned business having at least 51 percent of its stock unconditionally owned by one or more socially and economically disadvantaged individuals and (2) has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least 51 percent unconditionally owned by an economically disadvantaged Indian tribe or Native Hawaiian Organization, or a publicly owned business having at least 51 percent of its stock unconditionally owned by one or more of these entities which has its management and daily business controlled by members of an economically disadvantaged Indian tribe or Native Hawaiian Organization, and which meets the requirements of 13 CFR part 124.

Women-owned small business concern, as used in this provision, means a small business concern at least 51 percent owned by a woman or women or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(d) *Notice.* Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern in order to obtain a contract to be awarded under the preference programs established pursuant to sections 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall—

- (1) Be punished by imposition of fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Act.

(End of provision)

52.219-2 thru 52.219-5 [Reserved]

63. Sections 52.219-2 through 52.219-5 are removed and reserved.—

64. Section 52.219-6 is amended by revising Alternate I to read as follows:

52.219-6 Notice of Total Small Business Set-Aside.

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Alternate I (DATE). When the acquisition is for a product in a class for which the Small Business Administration has determined that there are no small business manufacturers or processors in the Federal market in accordance with 19.503-3(e), delete paragraph (c).

65. Section 52.219-7 is amended by revising the date of the clause; in paragraph (a) by removing the definitions *Labor surplus area*, *Labor surplus area concern*, and *Perform substantially in labor surplus areas*; and