

SBA FORM 355

INFORMATION FOR SMALL BUSINESS SIZE DETERMINATION

Carefully read these instructions and the SBA Size Regulations before completing this form.
Information not fully provided may affect the size determination

General Instructions

1. The information provided will be used by Small Business Administration (SBA) for a size determination of a business seeking assistance available to small businesses under any program administered by this Agency or at the request of another Federal agency for purposes of its small business program, except for the SBIC Program which uses SBA Form 480. A small business is a concern which is independently owned and operated, not dominant in its field of operation, and does not exceed the size standard applicable to the procurement or program for which the business is applying.
2. SBA is authorized to make size determinations pursuant to the Small Business Act, 15 USC 637(a) and regulations thereunder for the purpose of deciding small business protests and to determine eligibility for program assistance. SBA's size regulations are found generally at Title 13 Code of Federal Regulations Part 121. SBA may, at its discretion, request additional information not specifically identified on this form.
3. Upon request of SBA, one copy of SBA Form 355, with additional sheets attached as needed, must be returned to the SBA Area Government Contracting Office closest to the business principal location. The person signing this form must be authorized to do so. Non-employee representatives of the business, such as attorneys or accountants, must provide a letter authorizing them to represent the firm. The information requested must be complete. Failure to supply complete information may cause delays in making a size determination or impose adverse inferences that the business is not small.
4. All affiliates of the business, whether acknowledged or not, and whether foreign or domestic, must be disclosed. SBA's criteria for defining affiliates should be carefully reviewed. In 13 CFR §121.103, SBA identifies various forms of affiliation. Completion of Parts IV and V of this form does not constitute an admission or confirmation of affiliation.
5. Where the applicable size standard involves "number of employees", a business' average number of employees on payroll before for the 12 months preceding the application or offers is examined, including all individuals who are full-time, part-time, temporary or other basis, of both domestic and foreign affiliates. See 13 CFR § 121.106 of SBA's regulations. For purposes of Economic Injury Disaster Loans, the 12 months preceding the disaster are examined.
6. Where applicable size standards involve "average annual receipts", a business' annual receipts mean total income (or gross income in the case of a sole proprietorship) plus cost of goods sold as these terms are defined and reported on the business' Federal Income Tax Return. See 13 CFR § 121.104 of SBA's regulations.
7. SBA must determine the primary industry activity or the North American Industry Classification System code of a business for certain assistance programs, as part of the its size determination. In making this size determination, consideration is given to various criteria, such as the distribution of a business' revenues, employment and costs associated with doing business. See 13 CFR 121.107.
8. For purposes of this form, SBA considers a principal of the business as those persons or affiliated businesses that own 10 percent or more of its ownership. In cases where no individual or affiliated business owns at least 10 percent interest, the five largest interest holders and their percentages of interest must be listed. Additionally, the principal officers and their interest in the business must be listed.
9. Where certain financial assistance programs are involved, the business must include the county in which it operates, and state whether government funds (loans or grants) to be received will be used in a Labor Surplus Area. Labor Surplus Areas are defined in the Department of Labor publication "Area Trends." See 13 CFR § 121.301(e).
10. Certain industries require special information. Please review the Size Standards Table and any applicable footnote in 13 CFR § 121.201. Some of the industries noted are:

Depository Institutions (NAICS codes 522110 & 522120)
Tire Manufacturing (except Retreading) NAICS code 326211)
Dredging and Surface Cleanup Activities (NAICS code 23499)
Petroleum Refining (NAICS code 324110)
Advertising (NAICS code 541810)

Real Estate Agents and Brokers (NAICS code 531210)
Office Administrative Services (NAICS code 56110)
Travel Agencies (NAICS code 561510)
Fruit and Vegetable Canning (NAICS code 311421)
Electric Services (NAICS code 211111,221112,221113,221121,
221122)

SMALL BUSINESS ACT PENALTIES FOR CRIMINAL VIOLATIONS:

It is a criminal offense to willfully make a false statement or misrepresentation to the US Small Business Administration (SBA) for the purpose of influencing any action by the SBA for the purpose of obtaining a loan or extension, renewal, or deferment of an obligation to the US Government, or the acceptance, release or substitution of security, or obtaining money, property or things of value belonging to the US Government. Section 16(a) of the Small Business Act, as amended (the "Act"), 15 U.S.C. 645(a) makes this offense punishable by imprisonment of not more than 2 years or a fine of not more than \$5,000 or both.

It is a criminal offense to misrepresent in writing the status of a concern as a small business in order to obtain a prime contract awarded pursuant to Section 9 or 15 of the Act (15 U.S.C. § 638 and § 644) or subcontract awarded pursuant to Section 8(a) of the Act (15 U.S.C. § 637(a)) or subcontract included as part or all of a goal contained in a subcontracting plan required according to the Section 8(d) of the Act (15 U.S.C. § 637 (d)), or prime or subcontract awarded under Federal Law that references Section 8(d) of the Act (15 U.S.C. § 637 (d)) that defines eligibility for such programs as the Small and Disadvantaged Business contracting program. Under Section 16(d) of the Act (15 U.S.C. 645(d)), the punishment for this offense is imprisonment of not more than 10 years or a fine of not more than \$500,000 or both. It can also result in certain administrative penalties, such as suspension or debarment from further contracting with the US Government.

CERTIFICATION:

I hereby certify that all information contained above and in exhibits and attachments are true and correct to the best of my knowledge and belief. This information is submitted for the purpose of assisting the U.S. Small Business Administration (SBA) in making a size determination in order that my business may receive assistance under the laws and regulations administered by SBA.

(name of sole proprietorship, partnership, limited liability company, or corporation)

By: _____

Signature

Name and Title: _____

Date of signing: _____

PLEASE NOTE: The estimated burden hours for the completion of this form is 4 hours per response. You will not be required to respond to this information collection if a valid OMB approval number is not displayed. If you have any questions or comments concerning this estimate or any other aspect of this information collection, please contact the U.S. Small Business Administration, Chief, Administrative Information Branch, 409 3rd Street, S.W., Washington, D.C. 20416 and/or Office of Management and Budget, Clearance Officer, Paperwork Reduction Project (3245-0101), Washington, D.C. 20503. **PLEASE DO NOT SEND FORMS TO OMB.**

SMALL BUSINESS ADMINISTRATION
 INFORMATION FOR SMALL BUSINESS SIZE DETERMINATION

Part I. Information relating to Business only:

1a. Name and address of business (Street, City, State & Zip Code)	1b. Name and title of person authorized to provide information: Name. _____ Title. _____ Telephone No. _____ Fax No. _____ E-mail address: _____
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1c. Located in _____ county. If determination is needed for a financial assistance program other than surety bond guarantee, will assistance funds be used in a labor surplus area? ___yes ___no	1d. Size/Status Determination requested for receiving: HUBZONE Empowerment Contracting ___ Business Loan ___ Section 8(a) eligibility ___ Econ. Injury Disaster Loan ___ Sec.8(a) contract ___ Cert. of Competency ___ Gov't Prime Contract ___ Women Owned Status ___ Gov't Subcontract ___ Other (Specify) _____
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1e. Date business was established or incorporated: _____
 Note: If business is a corporation, a copy of its latest annual report to stockholders, bylaws, and articles of incorporation must be attached to this form. If business is a partnership, a copy of the Partnership Agreement must be attached. If business is a limited liability company, a copy of its articles of organization and operating agreement must be attached.

1f. Primary business activity by North American Industry Classification System (NAICS) code	1g. Has business previously been the subject of a formal SBA size determination? <input type="checkbox"/> yes <input type="checkbox"/> no If yes, what SBA Office? _____ When? _____
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2. Business' major products or services:

	Products/Services	NAICS code	Share of Sales or Receipts for most recently completed fiscal year % of sales Dollar value
(1)			
(2)			
(3)			
(4)			
(5)			

3. Does business issue or operate under a franchise, license or other contractual agreement with another concern?
 _____ Yes _____ No If yes, attach a copy of agreement.

4. Name and address of owner, partners, principal stockholders, or members of business organization. Please denote the type of partners.	% of voting stock or kinds of interest
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5. Name and address of all officers of business.

6. Name and address of member of the Board of Directors of business (if a corporation)

7a. Any stock options? ___ yes ___ no. If yes, identify person or concern holding options.
 7b. Any stock pledged as collateral? ___ yes ___ no. If yes, details of arrangement.
 7c. Any stock held by a trust or voting trust? ___ yes ___ no. If yes, details of arrangement.

8. Are there any pending mergers or sale of business by stock or assets? ___ yes ___ no If yes, submit details and copies of relevant documents.

9a. Is business or any person listed in questions 4,5 or 6 the owner, partner, director, officer, member, employee or principal stockholder in another business? ___ yes ___ no
If yes, complete section 9b below.

9b. Names of persons Names of businesses and addresses Position held % interest of persons in business

Part II. Information relating to employee-based size standards.

10. What is the number of employees? (Number of employees includes full-time, part-time, temporary, seasonal, or periodic employees)

Part III. Information relating to revenue-based size standards.

11. What is the business' federal year ending tax date?

12. (a) Gross sales or receipt of business for each of its most recently completed three fiscal years as of the date of the application or offer. For the purpose of Economic Injury Disaster Loans, show the sales of the three fiscal years completed prior to the disaster.

Year	_____	\$	_____
Year	_____	\$	_____
Year	_____	\$	_____
Total		\$	_____

Part IV. Information about affiliates, including those identified in Part I, item 9b.

13. Affiliates (domestic and foreign)
Note: all documentary materials about affiliates, including recorded documents, operating documents, financial and tax information are to be submitted with this form.

13a.	Name and address of affiliates	% of ownership interests in affiliates	% of ownership interests in business	NAICS code of major product or service
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13b. Name and addresses of owners, partners, directors, members, and principal stockholders of each business positions held % of interest in business

13c. Number of employees of each business listed in 13a. (Attach separate sheet if needed)

13d. Gross sales or receipts of each business for each of the most recently completed three fiscal years as of the date of size determination or offer. For the purpose of Economic Injury Disaster Loans, show the sales for the three fiscal years completed prior to the disaster.

1.	_____	2.	_____	3.	_____
	business		business		business
	\$ _____		\$ _____		\$ _____
	\$ _____		\$ _____		\$ _____
	\$ _____		\$ _____		\$ _____
Total	\$ _____	Total	\$ _____	Total	\$ _____

14a. Are there any persons listed in question 13b who are also owners, partners, directors, members or principal stockholders in another company?
 ____ yes ____ no If yes, complete section 14b below.

14b.	Name of Person	Name of company and address	position held	% interest in company held
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Part V. Information about alleged, acknowledged or possible affiliates of business.

Note: Complete questions 15 through 22 in all cases where you are contesting alleged affiliation. If you are not contesting an alleged affiliation, complete questions 15 through 22 only if requested by SBA. For size determinations pertaining to procurement programs, questions 23-29 must also be completed. Attach a separate explanation for any question answered "yes."

15. Have any owners, officers, directors, key employees or supervisors of business ever been employed by or performed similar work for any of the alleged, acknowledged or possible affiliates?
 ____ yes ____ no

16. At the time of bid opening or request for assistance or at the present, have any services been performed by business for any alleged, acknowledged or possible affiliate or vice versa?
 ____ yes ____ no

17. At the time of bid opening or request for assistance, did business share any facilities, equipment, or personnel with any of the alleged, or acknowledged affiliates? (e.g. vehicles, telephone lines, office space, receptionist, etc.) ____ yes ____ no

18. In preparing the subject bid or request for assistance, was any assistance provided by an alleged or acknowledged affiliate? ____ yes ____ no

19. Have there been or are there any current financial obligations between business and an alleged or acknowledged affiliate? ____ yes ____ no

20. Are there any individuals who have signed or are expected to sign documents to facilitate, the ability of business to receive indemnifications or credit guarantees, who are not owners, officers, directors, employees, partners, member or principal stockholders? ____ yes ____ no

21. Does any family member of an owner, partner, officer, director, member or principal stockholder of business have an ownership interest in any of the alleged or acknowledged affiliates? ____ yes ____ no

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22. Has SBA ever determined the business to be affiliated with any of the alleged or acknowledged affiliate, or to the best of your knowledge, determined any of the alleged or acknowledged affiliates to be affiliated with each other? yes no
If yes, attach a copy of the determination(s) if available, or describe the determination(s) made by SBA.
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23. Will any of the alleged or acknowledged affiliates, or any of their principals, provide an indemnity or guaranty to a surety to facilitate a contract award to business? yes no
Has such an indemnity or guaranty been provided within the past two years? yes no
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24. Have any of the alleged, or acknowledged affiliates assisted in arranging for any of the subcontractors needed for performance of this contract or any contract awarded to business within the last two years?
 yes no
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25. Have there been or are there any actual or proposed subcontracts between business and any of the alleged or acknowledged affiliates? yes no
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26. Were there any discussions as to specific terms or conditions relating to the subject contract which took place between business and any of the alleged or acknowledged affiliates prior to bid opening? yes no
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27. Will any of the alleged or acknowledged affiliates perform more than 25 percent of this contract? yes no
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28. If business were to be terminated for default on this or any other contract, would there be any financial impact on any of the alleged, or acknowledged affiliates or their principals?
 yes no
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29. Did the procuring activity mail your current bidding documents directly to any address other than business' current mailing address? yes no