

MAY 05, 2013

MEMORADUM FROM THE NITAAC GWAC PROGRAM OFFICE

SUBJECT: REREPRESENTATION OF BUSINESS SIZE

The CIO-SP3 Small Business GWAC is designed to permit the Institutes and Centers (ICs) of NIH, the Department of Health and Human Services (DHHS), and all other federal agencies to acquire a wide range of IT services and solutions, both commercial and non-commercial (as referenced in FAR 2.101).

This contract was awarded to provide government agencies a mechanism for quick ordering of required IT solutions and services at equitable and reasonable prices, while providing qualified small businesses a greater opportunity to participate in these requirements. As a result, government agencies are also provided a mechanism to help meet their socio-economic contracting goals.

However, during the 10-year performance period of the CIO-SP3 Small Business GWAC, some contract holders may experience a change in business size status. According to FAR Clause 52.219-28, Post-Award Small Business Program Rerepresentation, the Contractor shall rerepresent its size status upon occurrence of any of the following:

1. Within 30 days after execution of a novation agreement
2. Within 30 days after a merger or acquisition that does not require a novation
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.

*\*(ii) is not applicable to the CO-SP3 Small Business GWAC.*

If a contractor rerepresents that it is other than small business, the contractor may continue to hold its CIO-SP3 Small Business contract, however the contract will be modified to reflect the change in size status to other than small. The procuring Agency will not receive small business credit for any future task order awards made to the contractor. As such, the decision to exclude the contractor from competition under any individual task order solicitation will be at the Ordering Contracting Officer's (OCO) discretion.

For prompt response to your questions regarding the subject memorandum, please contact the NITAAC Customer Support Center at 1.888.773.6542 or [NITAACsupport@nih.gov](mailto:NITAACsupport@nih.gov).



**Robert Coen**

Acting Program Director

National Institutes of Health Information Technology Acquisition and Assessment Center (NITAAC)