



PROCUREMENT MEMORANDUM 2024-05

ACTION

MEMORANDUM FOR: Senior Bureau Procurement Officials

FROM: Olivia J. Bradley
Senior Procurement Executive and
Director for Acquisition Management

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation Regarding
Certification of Service-Disabled Veteran-Owned Small Business
Concerns

Background

On November 29, 2022, and July 3, 2023, the Small Business Administration (SBA) published final rules that established 13 CFR 128 regarding status as a Service-Disabled Veteran-Owned Small Business (SDVOSB) concern to be eligible for an award under the Service-Disabled Veteran-Owned Small Business Program (SDVOSB Program).

Beginning January 1, 2024, to be eligible for an SDVOSB set-aside or sole-source award, a concern must:

- Be certified by SBA as an SDVOSB concern; or
- Have both represented that it is an SDVOSB concern and have submitted a complete application for SDVOSB certification to SBA on or before December 31, 2023.

SDVOSBs that are not certified by SBA and do not have a pending application for certification with SBA on or before December 31, 2023, will not be eligible to receive set-aside or sole-source awards under the SDVOSB Program.

SDVOSB concerns may continue to self-represent their status for awards outside of the SDVOSB Program (e.g., a small business set-aside or unrestricted procurement).

The FAR currently requires contracting officers to use SAM.gov to determine if SDVOSB concerns are eligible for SDVOSB set-aside or sole-source awards. SAM.gov will not be updated on January 1, 2024, to reflect the SBA certifications or pending applications.

Purpose

This class deviation is issued in accordance with FAR 1.404 and pursuant to Civilian Agency Acquisition Council (CAAC) Letter 2024-02 to provide contracting officers with procedures to determine if SDVOSB concerns are eligible for SDVOSB set-aside or sole-source awards.

Required Actions

Beginning January 1, 2024, contracting officers must deviate from the FAR to verify that an offeror is eligible for consideration for a set-aside or sole-source award under the SDVOSB Program by confirming that the concern either:

- Is designated as certified by SBA in SBA's Veteran Small Business Certification (VetCert) system at <https://veterans.certify.sba.gov/> or in SBA's Dynamic Small Business System (DSBS) at https://dsbs.sba.gov/search/dsp_dsbs.cfm; or
- Has both represented its status as an SDVOSB concern in SAM.gov **and** submitted a complete application for certification on or before December 31, 2023, to SBA.

SBA will maintain a list of SDVOSB concerns that have submitted a complete application for certification to SBA on or before December 31, 2023, on the VetCert website. To find the list, contracting officers should:

- Go to <https://veterans.certify.sba.gov/>.
- Select "Support" from the menu bar on the homepage of the website.
- Select the "FAQ" link for online support.
- View the list of FAQ articles or search for "What veteran-owned or service-disabled veteran-owned small businesses have applications pending with VetCert?"

Once an application is reviewed and approved or denied for certification, the concern will no longer be included on the list and, if approved, the concern's SDVOSB certification status will be reflected in DSBS and VetCert.

Effective Date

This deviation is effective January 1, 2024, and remains in effect until rescinded or SAM.gov is updated to reflect the SBA's certification.

Questions

Please direct any questions regarding this Procurement Memorandum to OAM_Mailbox@doc.gov.