



12/22/2023

GSA Office of Governmentwide Policy

Class Deviation CD-2024-02

MEMORANDUM FOR ALL GSA CONTRACTING ACTIVITIES

FROM: JEFFREY A. KOSES
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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation Regarding Certification of Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns

- 1. Purpose.** This memorandum approves a Class Deviation from the FAR regarding certification of SDVOSB concerns when contemplating a SDVOSB set-aside or sole-source award under the SDVOSB Program (see FAR subpart 19.14).
- 2. Background.** The Small Business Administration (SBA) published final rules on November 29, 2022, and July 3, 2023¹. These SBA rules established new requirements regarding status for an SDVOSB concern to be eligible for an award under the SDVOSB Program. Beginning January 1, 2024, to be eligible for an SDVOSB set-aside for or sole-source award under the SDVOSB Program, 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, or do not have a pending complete application for SDVOSB certification with SBA on or before December 31, 2023, will not be eligible to receive SDVOSB set-asides or sole-source awards under the SDVOSB Program.

¹Veteran-Owned Small Business and Service-Disabled, Veteran-Owned Small Business-Certification, 87 FR 73400 and 88 FR 42592

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 concerns are eligible for SDVOSB set-aside or sole-source awards under the SDVOSB Program. FAR Case 2022-009 will update the FAR requirements. However, SAM.gov will not be updated by January 1, 2024 to reflect the SBA SDVOSB certification or pending complete applications. Therefore, contracting officers are to follow the requirements described in Section 5 of this Class Deviation when determining a concern's eligibility for a SDVOSB set-aside or sole-source award under the SDVOSB Program.

- 3. Authority.** This Class Deviation is issued under the authority of FAR 1.404 and General Services Administration Acquisition Manual (GSAM) 501.404. Civilian Agency Acquisition Council (CAAC) Letter 2024-02 serves as consultation with the CAAC Chair in accordance with FAR 1.404(a) (see attachment A of this Class Deviation).
- 4. Applicability.** This Class Deviation applies to acquisitions contemplating a SDVOSB set-aside or sole-source award under the SDVOSB Program (see FAR subpart 19.14).
- 5. Requirements.** Beginning January 1, 2024, GSA contracting officers must verify that a concern is eligible for consideration for a SDVOSB set-aside or sole-source award under the SDVOSB Program by confirming that the concern either—
 - Is certified by SBA as an SDVOSB concern within 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
 - Represented its status as an SDVOSB concern in SAM.gov, and submitted a complete application for SDVOSB certification on or before December 31, 2023 to SBA.

- A list of SDVOSB concerns that have submitted a complete application for SDVOSB certification to SBA on or before December 31, 2023 will be maintained on the VetCert system website. To find this list, contracting officers should:
 - Go to <https://veterans.certify.sba.gov/>.
 - Select "Support" from the homepage menu bar.
 - 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 for SDVOSB certification is reviewed and approved or denied by SBA, the concern will no longer be included on the above SBA list and, if approved, the concern's SDVOSB certification status will be reflected instead in SBA's DSBS and VetCert system.

SDVOSBs that are not certified by SBA, and do not have a pending complete application for certification with SBA on or before December 31, 2023, are not eligible to receive SDVOSB set-asides 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).

6. **Effective Date and Expiration Date.** This Class Deviation is effective immediately and remains in effect until SAM.gov is updated to reflect the SBA's SDVOSB certification or until rescinded.
7. **Point of Contact.** Any questions regarding this Class Deviation may be directed to GSARPolicy@gsa.gov.

Attachment [Attachment A – CAAC Letter 2024-02](#)