

## FAR Class Deviation Regarding Certification of Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns

**Purpose:** This memorandum approves a class deviation from the Federal Acquisition Regulation (FAR) to implement the Small Business Administration (SBA) final rules regarding certification of SDVOSB concerns

**Authority:** Civilian Agency Acquisition Council (CAAC) [Letter 2024-02](#) serves as consultation with the CAAC Chair in accordance with FAR 1.404(a).

**Background:** The SBA rules were published on November 29, 2022 and July 3, 2023 and established 13 CFR 128 regarding status as an SDVOSB concern to be eligible for an award under the SDVOSB Program. Beginning January 1, 2024, to be eligible for a Service-Disabled Veteran-Owned Small Business (SDVOSB) set aside for 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 Small Business Administration (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).

While 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. Therefore, this class deviation to verify SDVOSB certification is needed until SAM.gov system is updated.

**Action:** Contracting officers must 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 a 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](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 access 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 immediately and remains in effect until it is rescinded.

**Point of Contact:** Questions regarding this deviation may be directed to [Procurement.Policy@usda.gov](mailto:Procurement.Policy@usda.gov).