



December 13, 2023

CAAC Letter 2024-02

MEMORANDUM FOR CIVILIAN AGENCIES

FROM: WILLIAM CLARK
DIRECTOR
OFFICE OF GOVERNMENT-WIDE ACQUISITION POLICY

SUBJECT: CAAC Consultation to Issue a Class Deviation From the Federal Acquisition Regulation (FAR) Regarding Certification of Service-Disabled Veteran-Owned Small Business Concerns

This CAAC letter is being issued to serve as consultation in accordance with FAR 1.404, authorizing agencies to issue a class deviation to implement the Small Business Administration (SBA) final rules published November 29, 2022, and July 3, 2023. The SBA rules 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 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 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.

Therefore, 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 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; 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.

The procedures of this CAAC letter should be followed until SAM.gov is updated to reflect the SBA's certification or otherwise rescinded.

This CAAC letter constitutes consultation with the Chair of the CAAC required by FAR 1.404(a)(1). Agencies are advised to review any relevant clauses in their supplement and take any action that is appropriate. Once processed, agencies are requested to share the deviation widely among their workforces to ensure full awareness of and compliance with the revisions to the SDVOSB certification process under the SDVOSB Program.



**Office of Government-wide Policy
U.S. General Services Administration**

Agencies are reminded that FAR 1.404 requires agencies to furnish a copy of each approved class deviation to the FAR Secretariat, General Services Administration, by emailing the deviation to GSARegSec@gsa.gov. Please include whether or not the document can be posted on acquisition.gov.

If you have any questions or require additional information about this CAAC letter, please contact Carrie Moore at (571) 300-5917 or at carrie.moore@gsa.gov.