## 19.1406 Sole source awards.

- (a) A contracting officer shall consider a contract award to a SDVOSB concern on a sole source basis (see 6.302-5(b)(6)), before considering small business set-asides (see 19.203 and subpart 19.5) provided none of the exclusions of 19.1404 apply and—
- (1) The *contracting officer* does not have a reasonable expectation that *offers* would be received from two or more service-disabled veteran-owned small business *concerns*;
- (2) The anticipated award price of the contract, including options, will not exceed-
- (i) \$8.5 million for a requirement within the NAICS codes for manufacturing; or
- (ii) \$5 million for a requirement within any other NAICS code;
- (3) The requirement is not currently being performed by an 8(a) participant under the provisions of <u>subpart 19.8</u> or has been accepted as a requirement by SBA under <u>subpart 19.8</u>;
- (4) The service-disabled veteran-owned small business *concern* has been determined to be a responsible contractor with respect to performance; and
- (5) Award can be made at a fair and reasonable price.
- (b) Effective January 1, 2024, a *contracting officer shall* only award a sole-source contract to a *concern* that—
- (1) Is designated in SAM as an SDVOSB concern certified by SBA; or
- (2) Has represented that it is an SDVOSB *concern* in SAM and submitted an application for certification to SBA on or before December 31, 2023. Pending applications for certification are in the SBA Veteran Small Business Certification Program database at <a href="https://veterans.certify.sba.gov">https://veterans.certify.sba.gov</a>.
- (c) The SBA has the right to appeal the *contracting officer*'s decision not to make an SDVOSB solesource award.

Parent topic: Subpart 19.14 - Service-Disabled Veteran-Owned Small Business Program