



U.S. Department
of Transportation

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2024-02 from the Federal Acquisition Regulation (FAR) Regarding Certification of Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns

FROM: Dr. Willie H. Smith
Senior Procurement Executive
Office of the Senior Procurement Executive

TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This class deviation (CD) is issued under Federal Acquisition Regulation (FAR) 1.404 and Transportation Acquisition Regulation (TAR) 1201.404, and authorizes a class deviation regarding Certification of Service-Disabled Veteran-Owned Small Business Concerns.
- II. Effective Date:** Immediately
- III. Background:** On December 13, 2023, the Chair of the Civilian Agency Acquisition Council (CAAC) issued CAAC Letter No. [2024-02](#), which serves as consultation in accordance with FAR 1.404(a)(1) to authorize agencies to issue their own class deviations 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).
- IV. 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.

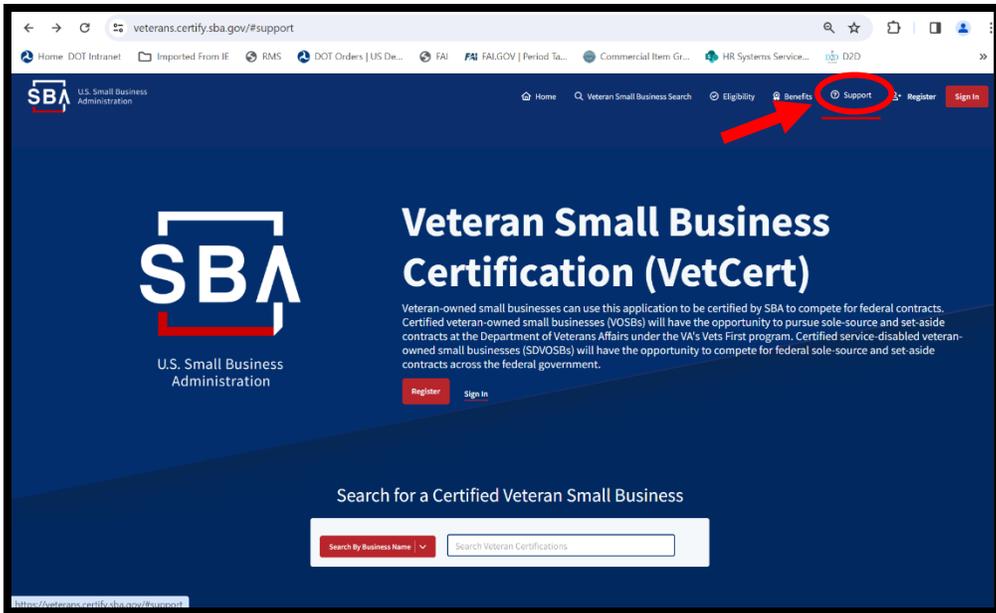
SDVOSBs that are not certified by SBA, and do not have a pending application for certification with SBA on or before December 31, 2023, will not be eligible to receive set aside or sole-source awards under the SDVOSB Program.

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).

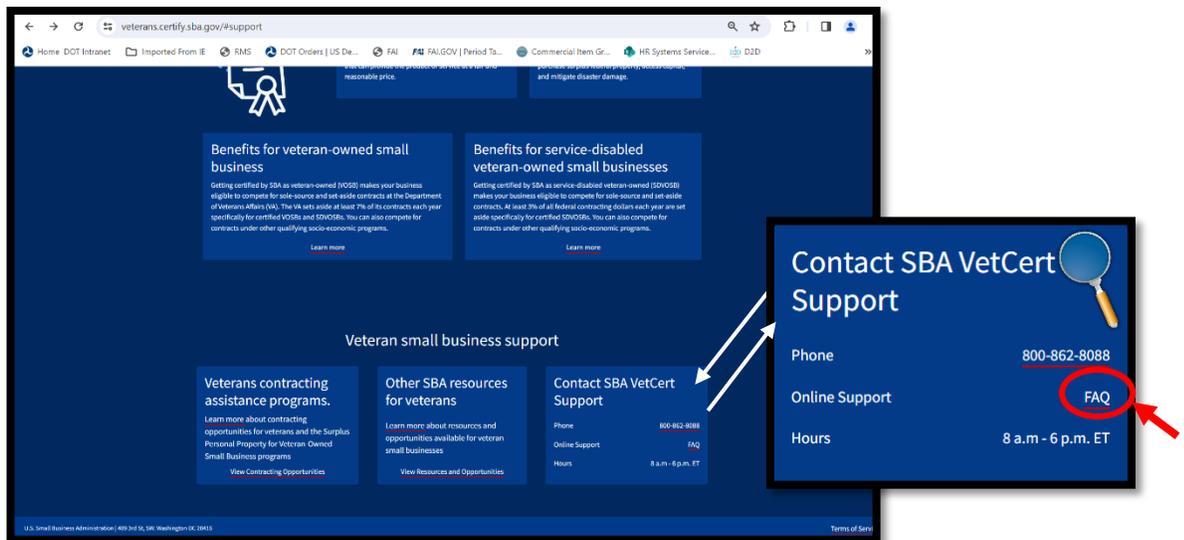
The FAR currently requires contracting officers to use SAM.gov to determine if SDVOSB concerns are eligible for SDVOSB set-aside or sole-source awards.

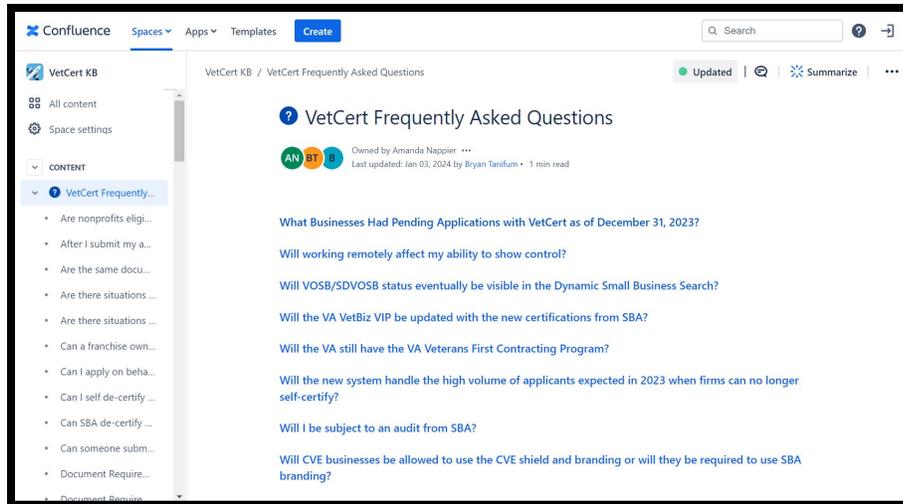
SBA will maintain a list of SDVOSB concerns that have submitted a complete application for certification to SBA on or before December 31, 2023, on the VetCert website. To find the list, contracting officers should:

- 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.

- V. **Expiration Date:** This CD will remain in effect until it is incorporated into the FAR, or until SAM.gov is updated to reflect the SBA's certification or is otherwise rescinded, whichever occurs first.
- VI. **Point of Contact:** Questions or comments regarding this class deviation may be directed to DOTAcquisitionPolicy@dot.gov.