



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Chief Financial Officer and**  
**Assistant Secretary for Administration**  
Washington, D.C. 20230

## **CLASS DEVIATION FROM THE FEDERAL ACQUISITION REGULATION**

### **Determination and Findings**

In accordance with Civilian Agency Acquisition Council (CAAC) Letter 2024-02, "CAAC Consultation to Issue a Class Deviation From the Federal Acquisition Regulation (FAR) Regarding Certification of Service-Disabled Veteran-Owned Small Business Concerns," the Department of Commerce is authorizing a class deviation for the means of verification that an offeror is eligible for consideration for a set-aside or sole-source award under the Service-Disabled Veteran-Owned Small Business Program (SDVOSB Program).

### **Findings**

- On November 29, 2022, and July 3, 2023, the Small Business Administration (SBA) published final rules that 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 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.
- 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.
- The procedures outlined in CAAC Letter 2024-02 should be followed until SAM.gov is updated to reflect the SBA's certification.

### **Determination**

In accordance with FAR 1.404, I hereby authorize this class deviation. No areas of the FAR are changed by this deviation.

This class deviation will remain in effect until rescinded or FAR changes are implemented in SAM.gov.

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Approved:  
Olivia J. Bradley  
Senior Procurement Executive and  
Director for Acquisition Management

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Date: