



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

Acquisition Bulletin No: 24-02
Deviation No. 2024-00002

Date: January 5, 2024

MEMORANDUM FOR TREASURY ACQUISITION PERSONNEL

- FROM:** NICOLE EVANS *Nicole Evans*
DEPUTY ASSISTANT SECRETARY FOR ACQUISITION
AND SENIOR PROCUREMENT EXECUTIVE
- SUBJECT:** Class Deviation from the Federal Acquisition Regulation (FAR) to implement the U.S. Small Business Administration (SBA) FAR Rule 2022-009, Certification of Service-Disabled Veteran-Owned Small Businesses (SDVOSB)
- PURPOSE:** To provide a class deviation from the FAR to implement the SBA SDVOSB Program regulations pursuant to SBA final rules published on November 29, 2022, and July 3, 2023, at 13 CFR 128. [SAM.gov](https://sam.gov) was not updated by January 1, 2024, to reflect the SBA certifications and pending applications for SDVOSB business concerns. This deviation allows Treasury bureaus to use the new policies to verify the eligibility status of SDVOSB business concerns for set-aside or sole source awards while the SBA works to integrate the new policies in the federal System for Award Management (SAM).
 - EFFECTIVE DATE:** Immediately.
 - EXPIRATION DATE:** Until superseded, incorporated into the FAR, or otherwise rescinded.
 - AUTHORITY:** In accordance with FAR 1.404, DTAR 1001.404, and as authorized by [CAAC Letter 2024-02](#), Treasury bureaus are required to use the attached deviation procedures.
 - BACKGROUND:** On December 13, 2023, the Civilian Agency Acquisition Council (CAAC) issued [CAAC Letter 2024-02](#), which authorize agencies to issue a class deviation in accordance with FAR 1.404 to implement SBA's final rules published on November 29, 2022, and July 3, 2023. The SBA final rules published at 13 CFR 128 amended the Small Business Act (15 U.S.C. § 632) to require certification of service-disabled veteran-owned small business concerns seeking award under the SDVOSB program. The statute transfers certification responsibility from the Department of Veterans Affairs to SBA, which includes a one-year grace period for certification that expired on January 1, 2024.

6. **GUIDANCE**: The FAR requires contracting officers to use SAM.gov to determine if SDVOSB concerns are eligible for SDVOSB set-aside or sole-source awards. SAM.gov was not updated by January 1, 2024, to reflect the SBA certifications or pending applications. Therefore, effective immediately, 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 following the procedures outlined in this class deviation. SDVOSBs that are not certified by SBA and did not have a pending application for certification with SBA on or before December 31, 2023, will not be eligible for either set-asides 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).

7. **DEVIATION**: See attached procedures.

8. **ADDITIONAL INFORMATION**: The point of contact for this Acquisition Bulletin is Ms. Joy Garnett, who may be reached via email at Joy.Garnett@treasury.gov.

Attachment:

Deviation No. 2024-00002 Contracting Officer Procedures

Contracting Officer Procedures

Effective immediately, 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 to SBA for certification on or before December 31, 2023.

SBA will maintain a list of SDVOSB concerns that submitted a complete application for certification to SBA on or before December 31, 2023, and is available to access directly at: <https://sbaone.atlassian.net/wiki/external/ZGUzMThiNDc4MjkNNDU4ZDlkMjA0YTc0YjQ2YTE4MDM> or on the [VetCert](#) website. To find the list on VetCert, 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 the SBA either 1) reviews and approves an application for certification, or 2) reviews and denies an application for certification, then the small business concern will no longer be included on the SDVOSB list. If SBA approves a small business concern under the SDVOSB Program, then the small business concern’s SDVOSB certification status will be reflected in DSBS and VetCert.

The procedures of this class deviation should be followed until SAM.gov is updated to reflect the SBA’s certification or otherwise rescinded.