52.219-27 Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (DEVIATION 2024-O0002).

Insert the following deviation clause in solicitations and contracts for acquisitions that are set aside for, or awarded on a sole source basis to, service-disabled veteran-owned small business concerns. This includes multiple-award contracts when orders may be set aside for service-disabled veteran-owned small business concerns as described in 8.405-5 and 16.505(b)(2)(i)(F):

Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (DEVIATION 2024-O0002) (JAN 2024)

(a) *Definition. Service-disabled veteran-owned small business concern (SDVOSB) concern—*

 (1) Means a small business concern–

 (i) Not less than 51 percent of which is owned and controlled by one or more service-

disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

 (ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and

severe disability, the spouse or permanent caregiver of such veteran; or

 (iii) A small business concern eligible under the SDVOSB Program in accordance with 13 CFR part 128.

 (2) *Service-disabled veteran*, as used in this definition, means a veteran, as defined in 38 U.S.C.101(2), with a disability that is service-connected, as defined in 38 U.S.C.101(16); and who is registered in the Beneficiary Identification and Records Locator Subsystem, or successor system that is maintained by the Department of Veterans Affairs’ Veterans Benefits Administration, as a service-disabled veteran.

 *Service-disabled veteran-owned small business (SDVOSB) concern eligible under the SDVOSB Program* means an SDVOSB concern that either—

 (1) Effective January 1, 2024, is designated as certified by the Small Business Administration (SBA) in the SBA Veteran Certification Small Business (VetCert) database at *https://veterans.certify.sba.gov* in accordance with 13 CFR 128.300; or

 (2) Has represented that it is an SDVOSB concern in the System for Award Management (SAM) and submitted a complete application for certification to SBA via the SBA VetCert database at *https://veterans.certify.sba.gov* on or before December 31, 2023.

 *Service-Disabled Veteran-Owned Small Business (SDVOSB) Program* means a program that authorizes contracting officers to limit competition, including award on a sole-source basis, to SDVOSB concerns eligible under the SDVOSB Program.

 (b) *Applicability*. This clause applies only to—

 (1) Contracts that have been set aside for, or awarded on a sole-source basis to, SDVOSB concerns eligible under the SDVOSB Program;

 (2) Part or parts of a multiple-award contract that have been set aside for SDVOSB concerns eligible under the SDVOSB Program;

 (3) Orders set aside for SDVOSB concerns eligible under the SDVOSB Program under

multiple-award contracts as described in 8.405-5 and 16.505(b)(2)(i)(F); and

 (4) Orders issued directly to SDVOSB concerns eligible under the SDVOSB Program

under multiple-award contracts as described in 19.504(c)(1)(ii).

(c) *General*. Effective January 1, 2024, for SDVOSB set-aside or sole-source procurements, offers are solicited only from certified SDVOSB concerns, and awards resulting from this solicitation will be made only to a concern that either—

 (1) Is designated in SBA’s Veteran Certification Small Business (VetCert) database as an SDVOSB concern certified by SBA; or

 (2) Has represented its status as an SDVOSB concern in SAM and has submitted a complete application for certification to SBA via SBA’s VetCert database at *https://veterans.certify.sba.gov* on or before December 31, 2023. Offers received from concerns that do not meet the criteria of paragraph (c)(1) or (2) of this clause shall not be considered.

(d) A joint venture may be considered an SDVOSB concern if—

 (1) The managing partner of the joint venture complies with the criteria at paragraph (c)(1) or (2) of this clause and in 13 CFR 128.402(a) through (c); and

 (2) Each party to the joint venture is small under the size standard corresponding to the NAICS code assigned to the procurement, or the protégé is small under the size standard corresponding to the NAICS code assigned to the procurement in a joint venture comprised of a mentor and protégé with an approved mentor-protégé agreement under an SBA mentor-protégé program.

(e) In a joint venture that complies with paragraph (d) of this clause, the SDVOSB party or parties to the joint venture shall perform at least 40 percent of the work performed by the joint venture. Work performed by the SDVOSB party or parties to the joint venture must be more than

administrative functions.

(End of clause)