



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF FINANCE AND OPERATIONS

December 22, 2023

ACQUISITION ALERT 2024-01

TO: Heads of Contracting Activities
Office of Finance and Operations/Contracts and Acquisitions Management
Federal Student Aid/Federal Student Aid Acquisitions
Executive Officers

FROM: Calvin J. Mitchell Jr. *Calvin J. Mitchell Jr.*
Deputy Assistant Secretary for Acquisition, Grants, and Risk Management
Senior Procurement Executive

SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR) Regarding
Certification of Service-Disabled Veteran-Owned Small Business (SDVOSB)
Concerns

1. Purpose: The purpose of this Acquisition Alert (AA) is to issue a class deviation from the Federal Acquisition Regulation (FAR) to implement the Small Business Administration (SBA) final rules published on November 29, 2022 and July 3, 2023, as authorized by the Civilian Agency Acquisition Council letter 2024-02 dated December 13, 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).

2. Background: 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. 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. Therefore, 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 taking certain actions outlined in [CAAC Letter 2024-02](#).

3. Required Action: Contracting officers shall follow the procedures outlined in the attachments herein.

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4. Deviation: See procedures outlined in [CAAC Letter 2024-02](#), Attachment A and the Decision Tree in Attachment B.

5. Applicability: This class deviation applies to all solicitations.

6. Effective Date: Immediately.

7. Expiration Date: This deviation expires when the FAR changes are implemented in SAM.gov.

8. Additional Information: Please contact the Strategic Acquisition Management Initiatives Division; SAMI_Policy@ed.gov

9. Attachments

Attachment A, "Instructions to Contracting Officers"
Attachment B, "Decision Tree"