

SBA May Eliminate Self-Certification of SDVOSB Status for Federal Contracting

June 18, 2024

On June 6, 2024, the US Small Business Administration (SBA) published a [direct final rule](#) that would eliminate self-certification of service-disabled veteran-owned small businesses (SDVOSB) status for purposes of agency contracting goals and prime contractor subcontracting goals. If this rule is not withdrawn in response to significant adverse comment, it will become **effective August 5, 2024**.

As of January 1, 2024, any offeror wishing to compete for SDVOSB set-aside and sole source awards must be certified by the SBA through the Veteran Small Business Certification ([VetCert](#)) Program, per 13 CFR § 128.401(a). This new rule eliminates self-certification of SDVOSB or VOSB status for other federal contracting purposes, too.

The rule would implement the following changes:

- Effective October 1, 2024, SDVOSBs will be required to be certified by the VetCert in order for prime contracts and subcontracts with such companies to count for the purpose of participation goals in prime contracts and subcontracts.
- Companies that file an application for SDVOSB certification by December 22, 2024, may continue to self-certify in connection with prime contract and subcontract awards other than SDVOSB set-aside and sole source awards until the SBA makes a final decision on the company's application.
- SDVOSBs will not be able to self-certify for prime contracts or subcontracts after December 22, 2024, if they do not file an application for certification with the SBA or are not certified by VetCert and do not file an application by such date.

Cooley's government contracts team can advise your company on the new rule – and make sure you continue to properly represent your SDVOSB status and count SDVOSB awards toward your small business subcontracting goals.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction, and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. When advising companies, our attorney-client relationship is with the company, not with any individual. This content may have been generated with the assistance of artificial intelligence (AI) in accordance with our AI Principles, may be considered Attorney Advertising and is subject to our [legal notices](#).

Key Contacts

Aaron Binstock Washington, DC	abinstock@cooley.com +1 202 728 7111
David Fletcher Washington, DC	dfletcher@cooley.com +1 202 728 7046
Christopher Kimball Washington, DC	ckimball@cooley.com +1 202 842 7892
Kevin King Washington, DC	kking@cooley.com +1 202 842 7823
Andrew Lustig Reston	alustig@cooley.com +1 703 456 8134
Grant Schweikert Washington, DC	gschweikert@cooley.com +1 202 776 2234
Umer Chaudhry Washington, DC	uchaudhry@cooley.com +1 202 776 2246

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

Copyright © 2023 Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304; Cooley (UK) LLP, 22 Bishopsgate, London, UK EC2N 4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.