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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 If this rule is not withdrawn in response to significant adverse comment, it will become **effective August 5, 2024.**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.

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