52.219-27 Notice of Set-Aside for, or Sole-Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program.

As prescribed in 19.1408, insert the following clause:

Notice of Set-Aside for, or Sole-Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program. (Feb 2024)

(a) Definition.

Service-disabled veteran-owned small business (SDVOSB) concern means a small business concern—

(1)

- (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 servicedisabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran; or
- (2) A small business concern eligible under the SDVOSB Program in accordance with 13 CFR part 128 (see subpart 19.14).
- (3) *Service-disabled veteran*, as used in this definition, means a veteran as defined in <u>38 U.S.C.</u> <u>101(2)</u>, with a disability that is service-connected, as defined in <u>38 U.S.C.</u> <u>101(16)</u> 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.

 $Service-disabled\ veteran-owned\ small\ business\ (SDVOSB)\ concern\ eligible\ under\ the\ SDVOSB\ Program\ means\ an\ SDVOSB\ concern\ that-$

- (1) Effective January 1, 2024, is designated in the *System for Award Management* (SAM) as certified by the Small Business Administration (SBA) in accordance with 13 CFR 128.300; or
- (2) Has represented that it is an SDVOSB concern in SAM and submitted a complete application for certification to SBA 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 <u>8.405-5</u> and <u>16.505(b)(2)(i)(F)</u>; and
- (4) Orders issued directly to SDVOSB concerns eligible under the SDVOSB Program, under *multipleaward contracts* as described in <u>19.504(c)(1)(ii)</u>.
- (c) General.
- (1) Effective January 1, 2024, for SDVOSB set-aside or sole-source *procurements*, *offers* are solicited only from, and awards resulting from this *solicitation* will be made only to, concerns—
- (i) Designated in SAM as an SDVOSB concern certified by SBA; or
- (ii) That have represented their status as an SDVOSB in SAM and submitted a complete application for certification to SBA on or before December 31, 2023.
- (2) Offers received from concerns that do not meet the criteria of paragraph (c)(1)(i) or (ii) of this clause, shall not be considered.
- (d) A joint venture *may* be considered an SDVOSB concern if the managing partner of the joint venture complies with the criteria defined in paragraph (a) of this clause and 13 CFR 128.402.
- (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)

Parent topic: 52.219 [Reserved]