

19.1406 Sole source awards.

(a) A *contracting officer shall* consider a contract award to a SDVOSB *concern* on a sole source basis (see 6.302-5(b)(6)), before considering small business set-asides (see 19.203 and subpart 19.5) provided none of the exclusions of 19.1404 apply and—

(1) The *contracting officer* does not have a reasonable expectation that *offers* would be received from two or more service-disabled veteran-owned small business *concerns*;

(2) The anticipated award price of the contract, including *options*, will not exceed-

(i) \$8.5 million for a requirement within the NAICS codes for manufacturing; or

(ii) \$5 million for a requirement within any other NAICS code;

(3) The requirement is not currently being performed by an 8(a) participant under the provisions of subpart 19.8 or has been accepted as a requirement by SBA under subpart 19.8;

(4) The service-disabled veteran-owned small business *concern* has been determined to be a responsible contractor with respect to performance; and

(5) Award can be made at a fair and reasonable price.

(b) Effective January 1, 2024, a *contracting officer shall* only award a sole-source contract to a *concern* that—

(1) Is designated in SAM as an SDVOSB *concern* certified by SBA; or

(2) Has represented that it is an SDVOSB *concern* in SAM and submitted an application for certification to SBA on or before December 31, 2023. Pending applications for certification are in the SBA Veteran Small Business Certification Program database at <https://veterans.certify.sba.gov>.

(c) The SBA has the right to appeal the *contracting officer's* decision not to make an SDVOSB sole-source award.

Parent topic: Subpart 19.14 - Service-Disabled Veteran-Owned Small Business Program