

The VETERANS ENTREPRENEURSHIP and SMALL BUSINESS DEVELOPMENT ACT of 1999 (Public Law 106-50) established an annual Government-wide goal of not less than 3 percent of the total value of all prime contract and subcontract awards for participation by small business concerns owned and controlled by service-disabled veterans. It did not contain a provision to restrict or "set-aside" contracting opportunities for service-disabled veterans.

The VETERANS BENEFITS ACT (VBA) of 2003 (PL 108-183) added, in addition to other provisions, a contracting mechanism to enable agencies to reach the 3% prime contracting goal established in 1999. Section 308 of the VBA of 2003 established a sole source and set-aside procurement program for service-disabled veteran-owned small business concerns (SDVO SBC).

FREQUENTLY ASKED QUESTIONS

1. WHAT DOES VETERAN AND SERVICE-CONNECTED DISABILITY MEAN?

The terms veteran and service-disabled veteran are defined in 38 U.S.C. 101(2) and (16) respectively, the Department of Veterans Affairs, United States Code. The term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable. The term "service-connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in line of duty in the active military, naval, or air service. An injury or disease incurred during military service will be deemed to have been incurred in the line of duty unless the disability was caused by the veteran's own misconduct or abuse of alcohol or drugs, or was incurred while absent without permission or while confined by military or civilian authorities for serious crimes.

2. WHO IS A SERVICE-DISABLED VETERAN?

A Service-Disabled Veteran is a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable, and whose disability was incurred or aggravated in line of duty in the active military, naval, or air service.

3. HOW DOES A VETERAN VERIFY THEIR STATUS AS A SERVICE DISABLED VETERAN?

To be considered a Service-Disabled Veteran, the veteran must have an adjudication letter from the Veterans Administration (VA), a Department of Defense Form 214, Certificate of Release or Discharge from Active Duty, or a Statement of Service from the National Archives and Records Administration, stating that the veteran has a service-connected disability.

Copies of most military personnel and medical records are on file at the National Personnel Records Center in St Louis, MO; however some military personnel records are maintained by the Military Services depending on when the veteran was discharged. Veterans who filed or are

filing a medical claim should contact the Department of Veterans Affairs Regional Office in their state in order to determine if their medical record and claim for service connected disability is already on file. To request military personnel records, the below contact information is provided:

Branch of Service	Discharge Date	Information	Address
Air Force	Discharged or retired since September 25, 1947	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center 9700 Page Avenue St. Louis MO 63132-5100 (314) 801-0800 http://vetrecs.archives.gov
Army	Discharged or retired between November 1, 1912 - September 30, 2002	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center 9700 Page Avenue St. Louis MO 63132-5100 (314) 801-0800 http://vetrecs.archives.gov

Branch of Service	Discharge Date	Information	Address
	Discharged, or retired since October 1, 2002	Full name, Social Security Number, enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	U.S. Army Human Resources Command ATTN: AHRC-PAV-V 1 Reserve Way St. Louis, MO 63132-5200 (314) 592-0521 https://www.hrc.army.mil/indexflash.asp
Marine Corps	Discharged or retired between 1905 - Dec 31, 1998	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center 9700 Page Avenue St. Louis MO 63132-5100 (314) 801-0800 http://vetrecs.archives.gov
	Discharged or retired since 1999	Full name, Social Security Number, date discharged from Marine Corps service, address where record is to be mailed, and signature of member.	Commandant of the Marine Corps Headquarters, USMC (MMSB-12), Suite 217 2008 Elliot Road, Quantico, VA 22134-5030 (800) 268-3710 http://www.hqmc.usmc.mil/hqmcmain.nsf/frontpage

Branch of Service	Discharge Date	Information	Address
Navy	Discharged or retired between 1885- Dec 31, 1994	Full name, Social Security Number and/or Service Number (both when available), enlistment and discharge dates, date of birth and place of birth (city and state), rank/rate upon discharge or release, address where record is to be mailed, and signature.	National Personnel Records Center 9700 Page Avenue St. Louis MO 63132-5100 (314) 801-0800 http://vetrecs.archives.gov
	Discharged or retired since 1995	Full name, Social Security Number, date discharged from Naval service, address where record is to be mailed, and signature of member.	Navy Personnel Command PERS-312E 5720 Integrity Drive Millington TN 38055-3120 (901) 874-4885 http://www.npc.navy.mil/channels

All requests for records and information must be in writing. Generally, there is no charge for military personnel and health record information provided to veterans.

4. IS THERE A MINIMUM DISABILITY RATING TO PARTICIPATE IN THE SDVOSB PROGRAM?

No, there is not a minimum disability rating. A veteran with a 0 to 100% disability rating is eligible to self-represent as a Service-Disabled Veteran for Federal contracting purposes. .

5. WHAT IS A SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERN?

A small business concern owned and controlled by a Service-Disabled Veteran or Service – Disabled Veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)) and SBA’s implementing SDVO SBC Program Regulations (13 C.F.R. 125).

6. ARE SOLE SOURCE OR SET-ASIDE CONTRACTS ALLOWED UNDER THE SDVO SBC PROCUREMENT PROGRAM?

Yes. In accordance with 13 C.F.R. 125.19 and 125.20, contracting officers may award a sole source or set-aside contract to SDVO SBCs, if certain conditions are met.

7. IS THERE A FORMAL CERTIFICATION PROCESS REQUIRED FROM THE SBA TO PARTICIPATE IN THE SDVOSB PROCUREMENT PROGRAM?

No. The Veterans Benefits Act of 2003 that established restricted contracting in Federal procurement for Service-Disabled Veteran-Owned Small Business Concerns (SDVO SBC) did not require a formal process to certify concerns as SDVO SBC. A SDVO SBC self-represents its status for all Federal contracts. In order to place an offer on a Federal contract, the SBC must be registered in the Government's Central Contractor Registration (CCR). Once the SBC is registered in CCR, and an offer is submitted on a Federal Contract, the SDVO SBC will need to fill out an "On-Line Representations and Certifications Application." To get more information about those data bases and to register on-line, go to the Government's Business Partner Network (BPN) at <http://bpn.gov> .

8. CAN THE STATUS OF A SDVOSBC BE CHALLENGED?

Yes. The Veterans Benefits Act of 2003 provides that the Small Business Administration may verify the eligibility of any SDVO SBC under the following:

For sole source procurements, the SBA or the Contracting Officer may protest the apparent successful offeror's SDVO SBC status. For competitive set-asides, any interested party may protest the apparent successful offeror's SDVO SBC status.

In the case of a protest, SDVO SBCs must be prepared to provide the SBA with proof of status as a Service-Disabled Veteran.

9. WHAT ELIGIBILITY REQUIREMENTS MUST A SMALL BUSINESS CONCERN MEET TO PARTICIPATE IN THE SDVO SBC PROCUREMENT PROGRAM?

The concern must be a small business pursuant to the North American Industrial Classification System (NAICS) code assigned by the Contracting Officer to the procurement;

The concern must be 51 % unconditionally and directly owned by one or more Service-Disabled Veterans or in the case of any publicly owned business, not less than 51% of the stock of the company is owned by one or more Service-Disabled Veterans; and

The management and daily business operations of the SDVO SBC must be controlled by one or more service-disabled veterans (or in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran).

10. CAN AWARDS BE MADE TO SDVO SBCs BELOW THE SIMPLIFIED ACQUISITION THRESHOLDS?

Yes. Although not mandatory, contracting officer's may set aside requirements at or below the simplified acquisition thresholds for consideration among SDVO SBCs, using simplified acquisition procedures.

11. ARE JOINT VENTURES ALLOWED UNDER THE SDVO SBC PROGRAM?

Yes. In accordance with 13 C.F.R. 125.15(b), SDVO SBCs may enter into a joint venture agreement with one or more other SBCs for the purpose of performing an SDVO contract. A joint venture of at least one SDVO SBC and one or more other business concerns may submit an offer as a small business for a competitive SDVO SBC procurement so long as each concern is small under the size standard corresponding to the NAICS code assigned to the contract.

12. MAY NONMANUFACTURERS SUBMIT AN OFFER UNDER THE SDVO SBC PROCUREMENT PROGRAM?

Yes, in accordance with 13 C.F.R. 125.15(c), a SDVO SBC that is a nonmanufacturer may submit an offer on a sole source or set-aside service-disabled veteran-owned contract if it meets the requirements of the non-manufacturer rule set forth in SBA's regulation 13 C.F.R. 121.406(b)(1).

13. IS THE SDVO SBC PROCUREMENT PROGRAM LIMITED TO CERTAIN NAICS CODES?

No. The Contracting Officer shall assign the NAICS in accordance with the Agency's requirement and the SDVO SBC must meet the respective small business size standard assigned to that NAICS Code.

14. IS THERE AN ORDER OF PRECEDENCE FOR THE SDVOSB PROGRAM?

No, however, the Contracting Officer should consider the 8(a), HUBZone, and SDVO Program before considering setting-aside the requirement for Small Business Concerns. If the Contracting Officer decides to set-aside the requirement for competition restricted to SDVO SBCs, the Contracting Officer must have a reasonable expectation that at least two responsible SDVO SBCs will submit offers and determine that award can be made at fair market price.

15. WHY ISN'T THERE A PROCUREMENT PROGRAM FOR OTHER CATEGORIES OF VETERANS?

For a veteran who suffers service-connected disability, our Government has deemed it our moral obligation to provide the disabled veteran a range of benefits designed to ease the economic and other losses and disadvantages incurred as a consequence of serving his or her country. These benefits include Government assistance for entering the Federal procurement marketplace. To achieve that objective, agencies shall more effectively implement section 15(g) of the Small Business Act (15 U.S.C. 644(g)), which provides that the President must establish a goal of not

less than 3 percent for participation by service-disabled veteran businesses in Federal contracting, and section 36 of that Act (15 U.S.C. 657f), which gives agency contracting officers the authority to reserve certain procurements for service-disabled veteran businesses.

16. WHAT ADDITIONAL STEPS HAVE BEEN TAKEN TO ENCOURAGE FEDERAL AGENCIES' USE OF SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES?

President Bush issued Executive Order 13360 on October 20, 2004. The Executive Order was issued to strengthen opportunities in Federal contracting for Service-Disabled Veteran-Owned Small Business Concerns.

Reference: <http://www.whitehouse.gov/news/releases/2004/10/20041021-5.html>