



ACQUISITION
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

In reply refer to
DARS Tracking Number: 2023-O0001

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(PROCUREMENT)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING)
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Verification of Eligibility of Small Business Joint Ventures

Effective October 28, 2022, contracting officers shall use the alternate procedures in this deviation to verify small business joint venture offeror eligibility in lieu of using the System for Award Management (SAM). Accordingly, in lieu of using the System for Award Management (SAM), contracting officers shall include the following statement in solicitations: “A small business joint venture offeror must submit, with its offer, the representation required in paragraph (c) of FAR solicitation provision 52.212-3, Offeror Representations and Certifications-Commercial Products and Commercial Services, and paragraph (c) of FAR solicitation provision 52.219-1, Small Business Program Representations, in accordance with 52.204-8(d) and 52.212-3(b) for the following categories:

- (A) Small business;
- (B) Service-disabled veteran-owned small business;
- (C) Women-owned small business (WOSB) under the WOSB Program;
- (D) Economically disadvantaged women-owned small business under the WOSB Program; or
- (E) Historically underutilized business zone small business.”

These procedures implement the final rule for FAR case 2017-019, Policy on Joint Ventures, published on September 23, 2022, at 87 FR 58219, and effective on October 28, 2022, which added new representations to paragraph (c) of FAR solicitation provisions 52.212-3 and 52.219-1 for small business joint ventures for the socioeconomic categories listed above. On October 28, 2022, the FAR provisions will be updated to reflect the new representations; however, due to a lag in system implementation in SAM and in the interface between SAM and the Small Business Administration, SAM will not reflect the new representations. Therefore,

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offerors will not be able to submit these representations in SAM and contracting officers cannot rely on SAM for these representations until the system is updated to align with the FAR.

This class deviation remains in effect until rescinded. My point of contact is Ms. Susan Pollack, DPC/CP, who may be reached at susan.w.pollack.civ@mail.mil.

John M. Tenaglia
Principal Director,
Defense Pricing and Contracting