

**Class Deviation from Department of Veterans Affairs
Acquisition Regulation 804.1102, Vendor Information Pages Database**

Class Deviation:

Contracting officers (CO) shall include the following provision in all solicitations issued October 1, 2010, and thereafter, pursuant to Department of Veterans Affairs Acquisition Regulation (VAAR) 819.70 as follows:

VERIFICATION OF STATUS OF APPARENTLY SUCCESSFUL OFFEROR

(a) The apparently successful offeror, unless currently listed as verified in the Vendor Information Pages (VIP) at: www.vetbiz.gov database, shall submit to Department of Veterans Affairs' (VA) Center for Veterans Enterprise (CVE) within five business days of receipt of written notice of its status as the apparently successful offeror, a verification application in accordance with 38 Code of Federal Regulations (CFR) Part 74 with such reasonably adequate documentary material, as necessary, establishing as follows:

(1) The owner or owners of 51 percent or more of the offeror is/are service-disabled Veteran(s), Veteran(s), or an eligible surviving spouse thereof, as applicable, for the instant acquisition. In this regard, the apparently successful offeror shall submit a VA Form 0877 to CVE via VA's VIP at: www.vetbiz.gov, internet site. This confidential and secure electronic application will enable CVE to inform the CO of the service-disabled Veteran or Veteran status of the owner(s) of the offeror without the CO having to receive and secure confidential individually identifiable information or personal health care information on this topic.

(2) Eligible parties own 51 percent or more of the concern (see 38 CFR 74.3). Adequate documentation can include copies of official stock certificates, articles of incorporation, partnership agreement, operating agreement, or other similar documentation which reasonably demonstrates the percentage of ownership by eligible parties; and

(3) Eligible parties control the concern (See 38 CFR 74.4). Control includes both the strategic policy setting exercised, for example, by boards of directors, and the day-to-day management and administration of business operations. Adequate documentation should include articles of incorporation, corporate by-laws, partnership agreement, operating agreement, resumes, disclosure of any other current employment, or other relevant documentation, as applicable, which demonstrates control of the strategic and day-to-day management of the offeror by eligible parties, as applicable.

(b) CVE will examine the business documents to determine if they establish appropriate ownership and control of the business from which an offer has been received. Within 21 business days, CVE shall determine whether the firm can or cannot be verified as a SDVOSB or VOSB, as appropriate, and issue its decision thereon to the vendor in accordance with 38 CFR 74.11(e) and to the CO. The CO will use CVE's decision in making the source selection decision.

(c) If a competing vendor raises a status protest prior to CVE's completion of its verification examination, the CO may rely on the status protest decision when issued.

(d) This deviation will expire December 31, 2011. Thereafter, in accordance with VAAR 804.1102, COs shall only make awards to SDVOSBs or VOSBs which are listed as verified in VIP at: www.vetbiz.gov.

END