Women-Owned Small Business (WOSB) Federal Contract Program

www.sba.gov/wosb

Presented by:
Amy Kim, WOSB Program Manager
Office of Government Contracting
Topics Covered

• WOSB Program Overview
• Pre-Solicitation
• Pre-Award
• Certify.SBA.gov
The WOSB Federal Contract Program allows Contracting Officers (COs) to set aside contracts for WOSBs including EDWOSBs in eligible NAICS. As of December 2015, it also allows COs to make sole source awards to WOSBs (including EDWOSBs) under specific circumstances. SBA implements and administers the WOSB Program. SBA regulations provide the framework with SBA procedures incorporated in FAR.
## History of the WOSB Federal Contract Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>December 2000</strong></td>
<td><strong>Public Law 106-554</strong> establishes a women's procurement program to assist the government in meeting its 5% women-owned small business (WOSB) contracting goal.</td>
</tr>
<tr>
<td><strong>April 2011</strong></td>
<td>New <strong>Federal Acquisitions Regulation (FAR)</strong> implements WOSB Program. Eligible industries limited to <strong>83</strong> based on the RAND report – <strong>45</strong> industries for WOSBs and <strong>38</strong> industries for EDWOSBs.</td>
</tr>
<tr>
<td><strong>December 2014</strong></td>
<td><strong>NDAA 2015</strong> provides sole source authority to the program, ended self-certification option. Certification process currently under review.</td>
</tr>
<tr>
<td><strong>December 2015</strong></td>
<td>Sole Source process implemented by new FAR.</td>
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<tr>
<td><strong>March 2016</strong></td>
<td>Eligible Industries revised and expanded to <strong>113</strong> based on the new Department of Commerce Study. <strong>36</strong> new industries added to Program, <strong>6</strong> industries removed from Program, and <strong>27</strong> industries had designation changed (between WOSB and EDWOSB).</td>
</tr>
</tbody>
</table>
WOSB and EDWOSB

• WOSB: Women-Owned Small Business
• EDWOSB: Economically Disadvantaged Women-Owned Small Business; WOSBs whose owner and/or manager claims economic disadvantage

EDWOSB is a subset of WOSB. As such, if you qualify as an EDWOSB, you automatically qualify as a WOSB.
May an EDWOSB submit an offer on a set aside for WOSBs?
PRE-SOLICITATION
## Set Aside Considerations

<table>
<thead>
<tr>
<th>If valued over $150K?</th>
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<table>
<thead>
<tr>
<th>Set aside for 8(a), HZ, SDVO SBC or WOSB</th>
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<tbody>
<tr>
<td>Rule of 2 met?</td>
</tr>
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</table>

<table>
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<tr>
<th>Sole source to 8(a), HZ, SDVO SBC or WOSB</th>
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<tr>
<td>Responsible contractor?</td>
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</table>

<table>
<thead>
<tr>
<th>Small business set aside</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule of 2 met?</td>
</tr>
</tbody>
</table>

| Unrestricted |

### Consider

- Market research
- Historical data
- SB goal accomplishment
• Not all NAICS codes are available for WOSB procurements. Separate NAICS codes are authorized for WOSB and EDWOSB. If interested in WOSB or EDWOSB set-asides, determine whether NAICS code is eligible under WOSB Program at www.sba.gov/wosb.
• 365 NAICS codes are available for WOSB.
• 80 NAICS codes are authorized for EDWOSB.
• If market research indicates one WOSB and multiple SBs, you must consider a WOSB sole source award before SB set-asides. FAR 19.1505(a) & 19.1506(a).
Recommend including in solicitation the following:

"Pursuant to FAR 19.1503(b)(3), offerors must have all required WOSB eligibility documents in the WOSB Program Repository currently available at Certify.SBA.gov, at the time of their initial offer on the instant procurement. The list of required documents is provided in FAR 19.1503(c).

If the apparent successful offeror does not have all documents in the WOSB Program Repository currently available at Certify.SBA.gov, it will be referred to the U.S. Small Business Administration (SBA) for a WOSB status protest. Offerors that need assistance in submitting the documents to the WOSB Program Repository are advised to contact the SBA Office of Government Contracting at wosb@sba.gov."
WOSB Set-Aside

Check NAICS code at www.sba.gov/wosb

Authorized for WOSB?

Rule of two met for WOSB?

Award made at fair & reasonable price?

WOSB set aside

May receive offer from WOSB and EDWOSB
EDWOSB Set-Aside

Check NAICS Code at www.sba.gov/wosb

Authorized for EDWOSB?

Rule of two met for EDWOSB?

Award made at fair & reasonable price?

EDWOSB set aside

May receive offer from EDWOSB only
If NAICS code is authorized for WOSB, can the CO solicit a response from EDWOSB?
If the NAICS code is authorized for WOSB, can the CO set procurement aside for EDWOSB?
WOSB Program is NOT a business development program. As such, there is no statutory authority to make a direct award. Agencies are required to prepare and approve J&A.
EDWOSB Sole Source

Check NAICS code at www.sba.gov/wosb → Authorized for EDWOSB? → Total contract value?
$6.5M for mfrg
$4M for svcs

Is EDWOSB deemed responsible? → Award made at fair & reasonable price? → EDWOSB sole source

WOSB Program is NOT a business development program. As such, there is no statutory authority to make a direct award. Agencies are required to prepare and approve J&A.
I have a solicitation calling for the contractor to handle reorganization and delegation requests. NAICS Code 561410 – Document Preparation Services is assigned to the requirement. Market research results indicate that the rule of two can be met for WOSB set-asides. Can I do a set aside for WOSB?
Q: Our agency has a need for temporary help services. 561320 – Temporary Help Services was assigned to the procurement. Market research results indicate that the rule of two will be met for WOSB and SDVO SBC set-asides. Can I do a set aside for WOSB?

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>WOSB</th>
</tr>
</thead>
<tbody>
<tr>
<td>561110</td>
<td>Office Administrative Services</td>
<td>EDWOSB</td>
</tr>
<tr>
<td>561210</td>
<td>Facilities Support Services</td>
<td>WOSB</td>
</tr>
<tr>
<td>561410</td>
<td>Document Preparation Services</td>
<td>EDWOSB</td>
</tr>
<tr>
<td>561421</td>
<td>Telephone Answering Services</td>
<td>EDWOSB</td>
</tr>
</tbody>
</table>
I have a requirement to obtain data concerning newly constructed and/or converted multifamily residential addresses. NAICS Code 511210 - Software Publishers is assigned to the procurement. Can I do a set aside for WOSB?
Q: I have a requirement to procure on-site ergonomics consultation and workstation evaluations. NAICS Code 541420 is assigned to a procurement with a total value of $5 million. Market research indicates that there is one EDWOSB that can meet the requirement. I have written J&A. Can I do a sole source to the EDWOSB?
A WOSB/EDWOSB may submit an offer as a joint venture with another small business if the following requirements are met:

- Size: each concern is small under applicable size standard unless an SBA-approved MP JV;
- EDWOSB/WOSB must manage the joint venture;
- EDWOSB/WOSB employee must be project manager responsible for contract performance;
- EDWOSB/WOSB must own 51% of the JV;
- EDWOSB/WOSB must receive JV profits commensurate with work performed (at least 40%);
- Must have a special bank account in JV’s name;
- Itemize all major equipment and facilities furnished by each party;
- Specify the responsibilities of the parties;
- Obligate all parties to ensure performance on the contract;
- Original records must be retained by the EDWOSB/WOSB managing venturer;
- Quarterly financial statements and final profit and loss statement must be submitted to SBA.

Note: JV agreement must be submitted to CO. SBA does **not** approve JV agreement but will adjudicate any protests!
PRE-AWARD
Important Pre-Award Considerations

• Check SAM to make sure that the apparent successful offeror represented it as a WOSB (or EDWOSB) eligible under the WOSB Program.

• If a set-aside and only one acceptable offer from WOSB (including EDWOSB), CO may make award. FAR 19.1505(d).

• It is CO’s responsibility to check whether apparent successful offeror filed all the required docs to the WOSB Repository. FAR 19.1505(e) & 19.1503(b).
Q: If a business represented as a WOSB in SAM, is it eligible for award under the WOSB Program?

A: No, not necessarily. There are three types of WOSBs – 1) a WOSB, 2) a WOSB eligible under the WOSB Program, and 3) an EDWOSB eligible under the WOSB Program. 2) and 3) must provide eligibility documents to the WOSB Repository but 1) does not have to.
Complying with FAR 19.1505(e)

WOSB Program Repository is currently housed at certify.sba.gov.

Do not look for completed SBA Forms 2413 (WOSB), 2414 (EDWOSB) or 413 (Personal Financial Statement). The forms are completed online at certify.sba.gov. Businesses are required to add supporting documents to the question when prompted.

When CO’s request for access is granted, he/she would see a completed WOSB or EDWOSB certification questionnaire and associated documents on one page.

If any questions on eligibility arise, please file a status protest with SBA. You may not determine whether apparent successful offeror failed to submit all the required documents.
Ways to Qualify as WOSB or EDWOSB

Self Certification with Supporting Docs
- Register in SAM
- Compile and provide documents to WOSB Repository
- Represent status as WOSB or EDWOSB in SAM

Third-Party Certification with Supporting Docs
- Register in SAM
- Obtain certification from SBA-approved TPC
- Provide TPC certification to WOSB Repository
- Represent status as WOSB or EDWOSB in SAM

8(a) Certification with Supporting Docs
- Register in SAM
- Obtain 8(a) certification from SBA
- Provide 8(a) certification to WOSB Repository
- Represent status as WOSB or EDWOSB in SAM
# Self-Certified – Documents (WOSB)

<table>
<thead>
<tr>
<th>Corporation</th>
<th>LLC</th>
<th>Partnership</th>
<th>Sole Proprietorship</th>
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<tbody>
<tr>
<td>Birth certificate, naturalization paper or unexpired passport of woman owner</td>
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<tr>
<td>WOSB Program Certification (Completed online – equivalent to SBA Form 2413)</td>
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<tr>
<td>Articles of incorporation</td>
<td>Articles of organization</td>
<td>Partnership agreement</td>
<td>DBA name certificate</td>
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<td>By-laws</td>
<td>Operating agreement</td>
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<td>Stock ledger</td>
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<tr>
<td>Voting agreements, if any</td>
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<td>EDWOSB Program Certification (Completed online – equivalent to SBA Form 2414)</td>
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<td></td>
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<tr>
<td>Personal financial statement (Completed online – equivalent to SBA Form 413)</td>
<td></td>
<td></td>
<td></td>
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### Third-Party Certified - Documents

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<th>Sole Proprietorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>WOSB or EDWOSB Program Certification (Completed online in Certify.SBA.gov)</td>
<td>Current TPC Certification</td>
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<td></td>
</tr>
</tbody>
</table>

SBA accepts WOSB or EDWOSB certifications only from the following four entities:

- El Paso Hispanic Chamber of Commerce
- National Women Business Owners Corporation
- US Women’s Chamber of Commerce
- Women’s Business Enterprise National Council: WOSB only

No USDOT DBE or State certifications are accepted.
Certifications of eligibility in the 8(a) BD Program also satisfy eligibility requirements for the WOSB Program and need no further clarifications.
**SBA is committed to ensuring only eligible WOSBs benefit from the WOSB Federal Contract Program. The following tools ensure compliance with Program requirements:**

### Eligibility Examinations
- SBA may investigate the accuracy of any certification or representation made.
- SBA will conduct regular reviews of firms who have self-certified and obtained third party certification.
- A review will involve evaluation of documents uploaded in the repository and SBA may request additional documents and perform a site visit.

### Protests
- SBA may investigate the accuracy of any certification or representation made as it relates to a specific WOSB/EDWOSB contract.
- Only an interested party, SBA or a contracting officer may submit a protest.
- A protest must be submitted to the contracting officer within certain timeframes.
  - Can only protest the ownership, control and economic disadvantage requirements.
  - Size protests are handled under 13 C.F.R. part 121.
- SBA reviews each protest and makes a final decision, which may be appealed to the Office of Hearings and Appeals.

Any WOSB/EDWOSB found to be ineligible must remove designation in SAM; CO shall not award the contract.
• Use the link for Federal government employees on the Certify Home page
• You must have a MAX.gov account. If you do not have one, visit MAX.gov and follow the instructions for creating an account and linking your PIV/CAC card.
• You must request account access and contractor must approve your request.
Welcome to certify.SBA.gov

The U.S. Small Business Administration (SBA) is working on streamlining the application process for federal contracting programs. Government employees can now log in or register online from our easy-to-use dashboard. Get started.

Log in or registration for Government employees.
Steps to Request Access WOSB Records

1. Click on *Request Access* link on the left navigation bar.
Steps to Request Access WOSB Records

2. Search for a WOSB firm by entering a DUNS number in the text box and click the **Search** button.

If vendor has not completed self-certification, you will see a message “the vendor has not completed registrations.”
3. Complete the request form by entering the *Solicitation number* and *NAICS* fields, and select the *Type of procurement* box
   a. Read the authorization text
   b. Click the *I accept* box
   c. Click the *Request Access* button
Steps to Review WOSB Records

1. Log in to certify.SBA.gov

2. Click the My Requests link on the left navigation bar

If vendor has not completed self-certification, the View column will be blank.
3. In the View column, select which certification you would like to see using the WOSB or EDWOSB links.

My requests
Request access

Review vendor certifications

<table>
<thead>
<tr>
<th>Solicitation #</th>
<th>DUNS #</th>
<th>Vendor</th>
<th>Status</th>
<th>Request expires</th>
<th>Access expires</th>
<th>View</th>
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</thead>
<tbody>
<tr>
<td>765345243</td>
<td>275276652</td>
<td>Entity 37 Legal Business Name</td>
<td>Accepted</td>
<td>08/05/2016</td>
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<td>WOSB, EDWOSB</td>
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<td>2345678</td>
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<td>Entity 70 Legal Business Name</td>
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<td>08/09/2016</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
4. Review the self-certification summary

5. To view the supporting documents, click on the *file name* link

**LLC**

Do the Articles of Organization, Operating Agreements and any amendments show that at least 51% of each class of member interest is unconditionally and directly owned by the qualifying individual(s)?

Response: Yes

**Attachments:**

<table>
<thead>
<tr>
<th>File Name</th>
<th>Document Type</th>
<th>Upload Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0052012_2016.pdf</td>
<td>Amendments to the Articles of Organization</td>
<td>04/04/2016</td>
</tr>
<tr>
<td>$00560001ata.pdf</td>
<td>Articles of Incorporation</td>
<td>04/04/2016</td>
</tr>
</tbody>
</table>

Do the Articles of Organization and any amendments or Operating Agreement and any amendments show that the qualifying individual(s) serve as management members, with control over all decisions of the limited liability company?

Response: Yes

**Attachments:**

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<tbody>
<tr>
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</table>
Contact US

Visit the SBA’s website: www.sba.gov/wosb

- For questions on the WOSB program, email wosb@sba.gov
- For technical questions on the WOSB Program Repository, please email certify@sba.gov