Women-Owned Small Business (WOSB) Federal Contract Program

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

• WOSB Program Overview
• Pre-Solicitation
• Pre-Award
• Certify.SBA.gov
Overview of the WOSB Federal Contract Program

• 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.
Unique Aspects of the WOSB Federal Contract Program

1) Not all NAICS codes are authorized for use under the WOSB Program. Check the SBA website at www.sba.gov/wosb for available NAICS codes.

2) WOSBs must provide their eligibility documents to WOSB Repository.

3) COs must verify whether offerors have provided all the required documents.
# History of the WOSB Federal Contract Program

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 2000</td>
<td>Public Law 106-554 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>April 2011</td>
<td>New Federal Acquisitions Regulation (FAR) implements WOSB Program. Eligible industries limited to 83 based on the RAND report – 45 industries for WOSBs and 38 industries for EDWOSBs.</td>
</tr>
<tr>
<td>December 2014</td>
<td>NDAA 2015 provides sole source authority to the program and ended self-certification option. Certification process currently under review.</td>
</tr>
<tr>
<td>December 2015</td>
<td>Sole source process implemented by new FAR.</td>
</tr>
<tr>
<td>March 2016</td>
<td>Eligible Industries revised and expanded to 113 based on the new Department of Commerce Study. 36 new industries added to Program, 6 industries removed from Program, and 27 industries had designation changed (between WOSB and EDWOSB).</td>
</tr>
<tr>
<td>October 2017</td>
<td>Eligible industries revised to 112 as a result of NAICS 2017 implementation.</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

**If valued at over $150K?**

**Set aside for 8(a), HZ, SDVO SBC or WOSB**

<table>
<thead>
<tr>
<th>Rule of 2 met?</th>
<th>Fair &amp; reasonable?</th>
<th>No 8(a) performing?</th>
</tr>
</thead>
</table>

**Sole source to 8(a), HZ, SDVO SBC or WOSB**

<table>
<thead>
<tr>
<th>Responsible contractor?</th>
<th>Contract value?</th>
<th>Fair &amp; reasonable?</th>
<th>No 8(a) performing?</th>
</tr>
</thead>
</table>

**Small business set aside**

<table>
<thead>
<tr>
<th>Rule of 2 met?</th>
<th>Fair &amp; reasonable price?</th>
</tr>
</thead>
</table>

**Unrestricted**

**Consider**

- Market research
- Historical data
- SB goal accomplishment
Important WOSB Considerations

• Not all NAICS codes are eligible under the WOSB Program. Separate NAICS codes are authorized for WOSB and EDWOSB. If interested in WOSB or EDWOSB set-asides, determine whether the NAICS code is authorized for use under WOSB Program at www.sba.gov/wosb.

• 364 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).
Important WOSB Considerations

• 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 (Certify), at the time of their initial offer on the instant procurement. The list of required documents is provided in Certify.SBA.gov/prepare. Please note that offerors are no longer required to complete and upload SBA Form 2413, 2414 or 413 to Certify as these forms are completed online at Certify.

If the apparent successful offeror does not have all documents in 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 through Certify are advised to contact the SBA Office of Government Contracting at wosb@sba.gov."
WOSB Set-Aside

Decision Making Process

1. Check NAICS code at www.sba.gov/wosb
2. Authorized for WOSB?
3. Rule of two met for WOSB?
4. Award made at fair & reasonable price?
5. WOSB set aside
6. May receive offer from WOSBs and EDWOSBs
**EDWOSB Set-Aside**

Decision Making Process

1. **Check NAICS code at**
   www.sba.gov/wosb

2. **Authorized for EDWOSB?**

3. **Rule of two met for EDWOSB?**

4. **Award made at fair & reasonable price?**

5. **EDWOSB set aside**

6. **May receive offer from EDWOSBs only**
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. FAR 6.302-5(c)(2).
EDWOSB Sole Source

Decision Making Process

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. FAR 6.302-5(c)(2).
Sole Source under WOSB Program

• FAR 6.302-5(b)(7) establishes sole source authority under the WOSB Program.
• FAR 6.302-5(c)(2) provides contracts awarded using this authority shall be supported by written J&As.
• The only exemptions from J&A requirement are:
  • Purchases made through another agency or from a specified source as authorized or required by a statute;
  • Brand name commercial items purchased for authorized resale;
  • Purchases from AbilityOne organizations; and
  • 8(a) sole source awards of up to $22 million
I have a requirement calling for the contractor to provide sign language interpretation services. I am planning to utilize the GSA Schedule for this requirement. NAICS Code 541930 – Translation and Interpretation Services - is assigned to the solicitation. Market research results indicate that the rule of two can be met for WOSB set-asides. I have advertised it as an WOSB set-aside.
Set Aside or Sole Source Examples

Our agency has a solicitation calling for the contractor to provide staffing services. NAICS Code 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?
I have an RFQ to purchase computer network equipment. NAICS Code 541519 – Other Computer Related Services - is assigned to the procurement. Market research results indicate that the rule of two can be met for EDWOSB and WOSB set-asides. Which one do I select?
I have a requirement to purchase General Dynamics Long-Range Thermal Imagers. NAICS Code 334511 is assigned to a procurement with a total value of $7 million. Market research indicates that there is one WOSB that can meet the requirement. I have written J&As. Can I make the award to the WOSB on a sole source basis under the WOSB Program?
Eligibility Requirements for Joint Ventures

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 process any status protests!
If the NAICS code is authorized for WOSB, can the CO solicit a response from EDWOSBs?
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 – (c)(3) a WOSB, (c)(4) a WOSB eligible under the WOSB Program, and (c)(5) an EDWOSB eligible under the WOSB Program.

(c)(4) and (c)(5) must provide eligibility documents to the WOSB Repository but (c)(3) does not.
Complying with FAR 19.1505(e)

- **WOSB Program Repository** is currently housed at [certify.sba.gov](http://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 specific questions 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, file a status protest with SBA. COs may not disqualify apparent successful offeror solely on the ground that it failed to submit all the required documents.
I have a requirement calling for the contractor to provide sign language interpretation services. I have decided to compete among GSA Schedule contract holders. I posted the RFQ on e-Buy, received and evaluated 7 quotes and selected the apparent offeror.

Do I need to verify whether the apparent successful offeror has submitted all the required documents to Certify.SBA.gov?
I have a RFP calling for road construction and maintenance services on six national forests in Southern California. I have set the RFP aside for WOSBs. After evaluating proposals, I have awarded one IDIQ contract to 12 contractors. Task orders will be competed among the IDIQ contract holders.

Do I need to verify that the apparent successful offerors have submitted all the required documents to Certify.SBA.gov at the IDIQ contract or task order level or both?
## Qualifying as a WOSB or an EDWOSB

<table>
<thead>
<tr>
<th>Method</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| **Self Certification**      | • Register in SAM  
• Compile and provide documents to WOSB Repository  
• Represent status as WOSB or EDWOSB in SAM |
| **Third-Party Certification** | • Register in SAM  
• Obtain certification from SBA-approved third-party certifier (TPC)  
• Provide TPC certification to WOSB Repository  
• Represent status as WOSB or EDWOSB in SAM |
| **8(a) Certification**      | • 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>
</tr>
</thead>
<tbody>
<tr>
<td>Birth certificate, naturalization paper or unexpired passport of women who own and control the firm</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WOSB Certification Questionnaire (Certify equivalent of SBA Form 2413)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Articles of incorporation</td>
<td>Articles of organization</td>
<td>Partnership agreement</td>
<td>DBA name certificate</td>
</tr>
<tr>
<td>By-laws</td>
<td>Operating agreement</td>
<td></td>
<td></td>
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<tr>
<td>Stock certificates</td>
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<tr>
<td>Stock ledger</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Voting agreements, if any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DBA name certificate, if applicable</td>
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## Self-Certified – Documents (EDWOSB)

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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal financial statement (Completed online – equivalent to SBA Form 413)</td>
<td></td>
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<td>Articles of incorporation</td>
<td>Articles of organization</td>
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</tr>
<tr>
<td>DBA name certificate, if applicable</td>
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<td></td>
</tr>
</tbody>
</table>
## Third-Party Certified - Documents

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<th>LLC</th>
<th>Partnership</th>
<th>Sole Proprietorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>WOSB or EDWOSB Certification Questionnaire (Certify equivalent of SBA Form 2413 or 2414)</td>
<td>Current TPC Certification</td>
<td></td>
<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.
## 8(a) Certified - Documents

<table>
<thead>
<tr>
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<th>LLC</th>
<th>Partnership</th>
<th>Sole Proprietorship</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDWOSB Certification Questionnaire (Certify equivalent of SBA Form 2414)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial 8(a) Approval Letter</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Most Recent Annual Review Letter from SBA</td>
<td></td>
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</tr>
</tbody>
</table>

Certifications of eligibility in the 8(a) BD Program also satisfy eligibility requirements for the WOSB Program.
Examinations and Protests

SBA is committed to ensuring only eligible WOSBs benefit from the WOSB Federal Contract Program. The following tools ensure compliance with Program requirements:

<table>
<thead>
<tr>
<th>Eligibility Examinations</th>
<th>Protests</th>
</tr>
</thead>
<tbody>
<tr>
<td>• SBA may investigate the accuracy of any certification or representation made</td>
<td>• SBA may investigate the accuracy of any certification or representation made as it relates to a specific WOSB/EDWOSB contract</td>
</tr>
<tr>
<td>• SBA will conduct regular reviews of firms who have self-certified and obtained third party certification</td>
<td>• Only an interested party, SBA or a contracting officer may submit a protest</td>
</tr>
<tr>
<td>• A review will involve evaluation of documents uploaded through Certify.SBA.gov and SBA may request additional documents</td>
<td>• A protest must be submitted to the contracting officer within certain timeframes</td>
</tr>
<tr>
<td></td>
<td>• Can only protest the ownership, control and economic disadvantage requirements</td>
</tr>
<tr>
<td></td>
<td>• Size protests are handled under 13 C.F.R. part 121</td>
</tr>
<tr>
<td></td>
<td>• SBA reviews each protest and makes a final decision, which may be appealed to the Office of Hearings and Appeals</td>
</tr>
</tbody>
</table>

Any WOSB/EDWOSB found to be ineligible must remove designation in SAM; CO shall not award the contract
Certify.SBA.gov
Welcome to certify.SBA.gov

The U.S. Small Business Administration (SBA) is working to improve the application process for federal contracting programs. This includes removing the need to complete duplicate eligibility documentation for the WOSB and All Small Government Contracting Programs. Get started online from our easy-to-use dashboard.

Log in or registration for Government employees.
Certify.SBA.gov

• 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.

• Select your role as Contracting Officer.

• You do not need SBA’s approval to register with Certify.SBA.gov.

• You must request account access and contractor must approve your request.
Steps to Request Access to Documents

1. Click on Request Access link on the left navigation bar.

Request access to view records

Use this form to request access to a small business's WOSB or EDWOSB eligibility documentation. Once complete, the form will send an email to the small business that asks them to log in to certify.sba.gov and approve or reject your request for access. You must provide the following information to request access:

- DUNS number
- Solicitation number
- Solicitation NAICS
- Procurement type

Start by searching for a small business by DUNS number to verify eligibility within SBA’s certify.sba.gov system.

Search for a business

DUNS number

[Search]
Steps to Request Access to Documents

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

If contractor has not completed registration, you will see a message “the vendor has not completed registrations.”
Steps to Request Access to Documents

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
4. Log in to certify.SBA.gov
5. Click the *My Requests* link on the left navigation bar.

### Steps to Request Access to Documents

<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>
</tr>
</thead>
<tbody>
<tr>
<td>765345243</td>
<td>275276652</td>
<td>Entity 37 Legal Business Name</td>
<td>Accepted</td>
<td>08/05/2016</td>
<td>10/27/2016</td>
<td>WOSB, EDWOSB</td>
</tr>
<tr>
<td>2345678</td>
<td>245652494</td>
<td>Entity 70 Legal Business Name</td>
<td>Accepted</td>
<td>08/05/2016</td>
<td>10/27/2016</td>
<td>WOSB, EDWOSB</td>
</tr>
<tr>
<td>3456765</td>
<td>245652494</td>
<td>Entity 70 Legal Business Name</td>
<td>Accepted</td>
<td>08/08/2016</td>
<td>10/30/2016</td>
<td>WOSB, EDWOSB</td>
</tr>
<tr>
<td>6545432</td>
<td>245652494</td>
<td>Entity 70 Legal Business Name</td>
<td>Requested</td>
<td>08/09/2016</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If contractor has not completed registration, the View column will be blank.

*Return to top*
6. In the View column, select which certification you would like to see using the **WOSB** or **EDWOSB** links.
Steps to Request Access to Documents

7. Review the self-certification summary.

8. 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>SOS2012_2016.pdf</td>
<td>Amendments to the Articles of Organization</td>
<td>04/04/2016</td>
</tr>
<tr>
<td>SOSAct04Alta.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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<tr>
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<th>Document Type</th>
<th>Upload Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alta P52 07-30-13 Signed.pdf</td>
<td>Miscellaneous</td>
<td>04/04/2016</td>
</tr>
</tbody>
</table>
Visit the SBA’s website for more information.

- Business: www.sba.gov/wosb
- COs: https://www.sba.gov/partners/contracting-officials/contracting-program-administration/wosb-program-administration

- For questions on the WOSB Program, email wosb@sba.gov.
- For technical questions on Certify.SBA.gov, please email help@certify.sba.gov.