Women-Owned Small Business Federal Contract Program Overview



Small Business Act

- Women-Owned Small Businesses (WOSB)
- Economically Disadvantaged Women-Owed Small Businesses (EDWOSB)

Set-Aside for WOSBs or EDWOSBs

• Women Owned Small Business Program

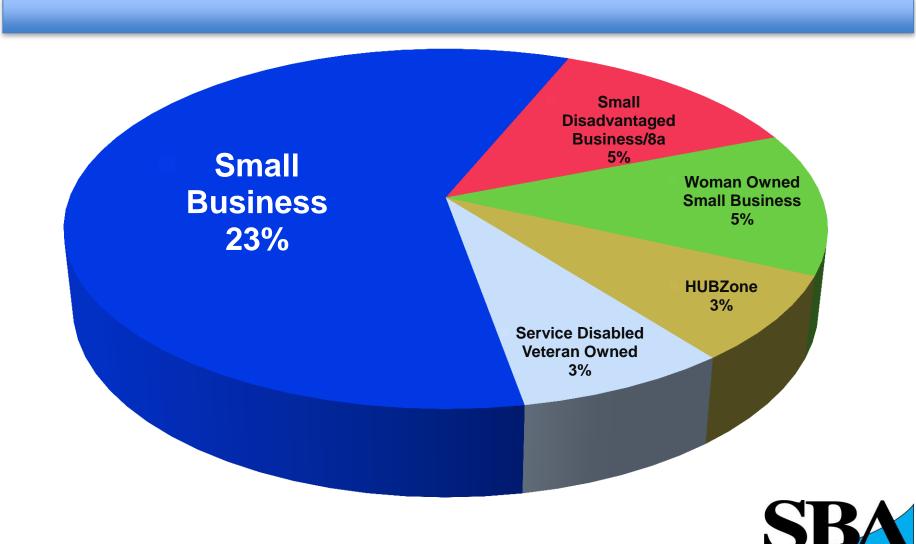
Creates significant opportunities for women



History of the WOSB Federal Contract Program

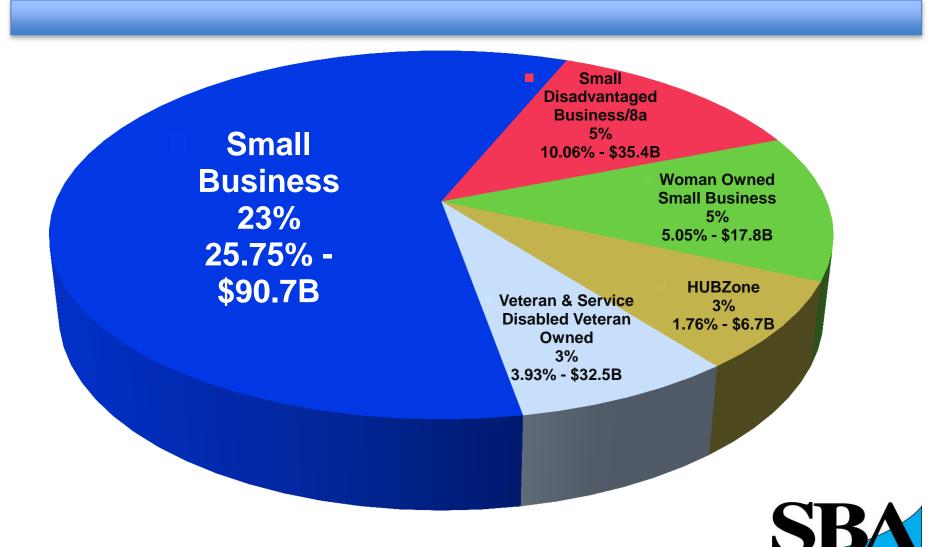
Time	Event
December 2001	Public Law 106-554 establishes a women's procurement program to assist the government in meeting its 5% women-owned small business (WOSB) contracting goal.
April 2011	New Federal Acquisitions Regulation (FAR) implemented the WOSB Program. Eligible industries limited to <u>83</u> based on the RAND report – <u>45</u> NAICS codes for WOSBs and <u>38</u> for EDWOSBs.
December 2014	National Defense Authorization Act 2015 provided Sole Source Authority to the program, removed Self-Certification. Certification process currently under review.
December 2015	Sole Source process implemented by new FAR.
March 2016	Eligible Industries revised and expanded to <u>113</u> based on the new Department of Commerce Study. <u>36</u> new industries added to Program, <u>6</u> industries removed from Program, and <u>27</u> industries had designation changed (between WOSB and EDWOSB).

Government Wide Small Business Goals



U.S. Small Business Administration

Government Wide Small Business Goals FY 2015



U.S. Small Business Administration

Overview of the Women-Owned Small Business Federal Contract Program

The *Women-Owned Small Business (WOSB) Federal Contract Program* promotes competitiveness for certain federal contracts for eligible:

- Women-Owned Small Businesses (WOSBs)
- Economically Disadvantaged Women-Owned Small Businesses (EDWOSBs)

Impact of the WOSB Program

Makes it easier for women-owned companies to compete for and win federal contracts

Provides agencies a tool to achieve WOSB contracting goal (5% of its prime contracting dollars must be awarded to WOSBs

Helps WOSB grow



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- The WOSB Federal Contract Program allows Contracting Officers (COs) to *set aside contracts* for WOSBs or EDWOSBs under certain conditions
- As of December 2015, it also allows COs to grant contracts to WOSBs and EDWOSBs under *Sole-Source Authority* in specific circumstances

PLEASE NOTE:

- Businesses that have certified as WOSBs or EDWOSBs are still eligible to win contracts outside of the set-aside program
- However, only WOSBs and EDWOSBs may win contracts through the program



Requirements for WOSB and EDWOSB Set-Aside Contract Competitions

Contracting officers may have WOSB- or EDWOSB-only contract competitions if the contract meets the following requirements:

	WOSB	EDWOSB	
Industries	 NAICS code assigned to contract solicitation is in an industry in which WOSBs are substantially underrepresented (92 Industry Codes) 	 NAICS code assigned to contract solicitation is in an industry in which WOSBs are underrepresented (21 Additional Industry Codes) 	
Rule of two	 Contracting officer has reasonable expectation that 2 or more WOSBs will subminan offer * Note: All EDWOSBs are WOSBs but not all WOSBs are EDWOSB 		
Award price	Contract must be awarded at fair market price		

A complete list of applicable NAICS codes can be found at:





Requirements for WOSB and EDWOSB Sole-Source Authority Contracts

In order for Cos to grant a contract to a WOSB or EDWOSB through Sole-Source Authority, the contract must meet the following conditions:

- •Is the contract in a WOSB/EDWOSB eligible NAICS code?
- Is the contract (including options) valued at \$6.5 million or less for manufacturing contracts or \$4 million or less for all other contracts?
- •Can the contract be awarded to the WOSB/EDWOSB at a fair and reasonable price?
- In the determination of the contracting officer, is there a reasonable expectation that there is only one WOSB/EDWOSB that can perform?



SBA Size Standards

- Must be small according to SBA size standards:
- Manufacturing 500 to 1,500 employees
- Wholesale Trades Up to 100 employees
- Services \$2 Million to \$35.5 Million Average Annual Receipts
- Retail Trades \$7 Million to \$35.5 Million Average Annual Receipts
- Construction \$7 Million to \$33.5 Million Average Annual Receipts
- Agriculture, Forestry, Fishing, and Hunting \$750 K to \$17 Million in Average Annual Receipts









Eligibility Requirements for WOSBs

To qualify as a WOSB, a business must meet the following requirements:

- A Meet small business size standard for primary NAICS code and contract
- At least 51% unconditionally and directly owned by women who are U.S. citizens*
- The woman must manage the day-to-day operations
- □ The woman must make the **long-term decisions** for the business
- A woman must hold the highest officer position in the company
- □ This woman must work at business full-time during normal working hours.

No minimum amount of time for the business to be operational

*Community property laws are not considered when looking at ownership.



Eligibility Requirements for EDWOSBs

WOSB

- 51% Ownership
- U.S. Citizen
 - Primary NAICS code meet size standard

EDWOSB

- Personal net worth less than \$750,000)
 - Adjusted annual income \$350,000 or less
 - Market value of total assets does not exceed \$6 million



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Before SAM

Employer Identification Number -EIN

Data Universal Numbering Systems (DUNS)

North American Industry Classification Codes -NAICS

National Institute of Government Purchasing Commodity Codes -NIGP

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Before SAM



U.S. Small Business Administration

How to demonstrate eligibility: Self- or Third-Party Certification

There are currently *two ways* to demonstrate

eligibility for the WOSB program:

Self Certification with supporting documents

- Free
- Register in SAM
- Compile and upload all required documents to the WOSB Repository
- Represent status in SAM as WOSB or EDWOSB

Third Party Certification with supporting documents

- Fee associated with Third Party Certifiers
- Register in SAM
- Obtain certification from an SBA-approved Third Party Certifier
 - US Women's Chamber of Commerce
 - Women's Business Enterprise National Council (WBENC)*
 - National Women's Business Owners Council (NWBOC)
 - El Paso Hispanic Chamber of Commerce
- Compile and upload all required documents to the WOSB repository (reduced requirements)
- Represent status in SAM as WO

*Does not perform economic disadvantage determinations

Step 1: Register in SAM

- The System for Award Management (SAM) is a registration system owned by GSA and located at <u>www.SAM.gov</u>
- SAM is where companies represent their eligibility for federal contracts (representations and certifications)
- In order to begin the process of certifying as a WOSB or EDWOSB, you must first establish a user account on the SAM site, and then register your entity in SAM.
- Note: <u>DO NOT</u> claim status as a WOSB or EDWOSB at this stage





Step 2: Upload documents on certify.SBA.gov

- Next, navigate to certify.SBA.gov and create an account in the new system
- Once you have created an account, associate this account with your business information in SAM by providing the following information:
 - Your primary DUNS number
 - Your Marketing Partner ID Number (MPIN) number (created in SAM)
 - Your Taxpayer Identification Number (TIN) number
- Then, complete any necessary forms and upload these documents to the new repository



Step 2: Upload documents on certify.SBA.gov (cont.)

certify.SBA.gov now hosts the **WOSB Repository**, where documents verifying WOSB/EDWOSB eligibility must be uploaded so that they may be viewed by agencies' Contracting Officers (COs)*

Only the WOSB, SBA, and the CO (once granted access by the WOSB)* can access the repository

WOSBs and EDWOSBs should upload the following documents to verify their status:

woman or women

Self-Certification – WOSBs	Self-Certification – EDWOSBs	Third Party Certification
 Birth certificates, naturalization papers, unexpired passports to verify U.S. citizenship Copy of Joint Venture agreement (if applicable) Copy of WOSB/EDWOSB Certification (SBA Form 2413 or SBA Form 2414) DBA certificate 	 All requirements for WOSBs An SBA Form 413, Personal Financial Statement, for each woman claiming economic disadvantage and their spouse, if applicable 	 Copy of Third Party Certification from an SBA Approved Third Party Certifier Copy of JV agreement (if applicable) Copy of WOSB/EDWOSB Certification (SBA Form 2413 or SBA Form 2414)
 Corporate information relating to verifying ownership by a 	*Please Note: The ability for WOSBs to grant document access	

*Please Note: The ability for WOSBs to grant document access and the ability for COs to view documents in the certify.SBA.gov repository will be released later in FY16

Step 2: Upload documents on certify.SBA.gov (cont.)

As of **March 2016**, certification for WOSBs and EDWOSBs now takes place using the **certify.SBA.gov** system

What's new?

- The WOSB Repository has moved from General Login System (GLS) to its new home at certify.SBA.gov
- GLS is **no longer** a valid entry point for the WOSB program
- All existing WOSB/EDWOSBs in the Repository that have updated their content since **October 2014** have had their information migrated to new Repository
- All firms will need to check the new Repository to ensure their information has migrated properly and complete the SBA forms 413, 2413, or 2414 (as applicable) in the new electronic format.
- Any firms that did not update after Oct 2014 will need to resubmit as if new
- SBA plans to add support for its other certification programs to certify.SBA.gov in the future



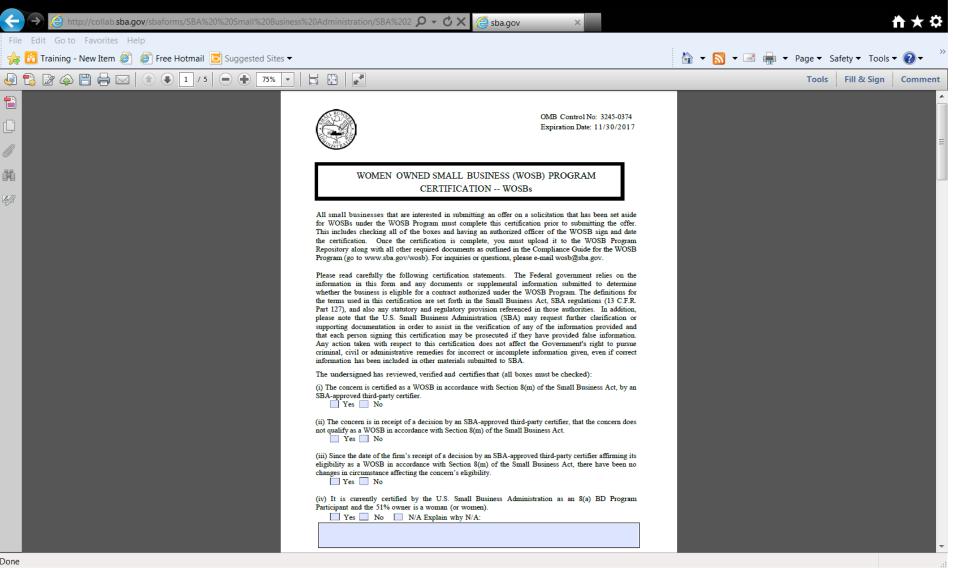
Step 3: Represent Status in SAM

- Once you have uploaded all necessary documents on certify.SBA.gov, you will be able to represent your status as a WOSB/EDWOSB on the SAM site
- Check the boxes as appropriate to indicate your status as a WOSB and/or EDWOSB (please note that all EDWOSBs are also WOSBs)
- NOTE: All required documents must be uploaded *before* identifying as a WOSB or EDWOSB – penalties for false representation are steep.

SAM: "I have read each of the FAR and DFARS provisions presented below. By submitting this certification I, am attesting to the accuracy of the representations and certifications contained herein, including the entire NAICS table. I understand that I may be subject to penalties if I misrepresent in any of the below representations or certifications to the Government." (1) The offeror represents as part of its offer that it \blacksquare is, \square is not a small business concern. (2) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, for general statistical purposes, that it 💆 is 🗖 is not, a small disadvantaged business concern as defined in 13 CFR 124.1002. (3) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it $\overline{\mathbf{P}}$ is \mathbf{n} is not. a women-owned small business concern. (See Below) (4) Women-owned small business (WOSB) concern eligible under the WOSB Program. [Complete only if the offeror represented itself as a women-owned small business concern in paragraph (b)(3) of this provision] The offeror represents as part of its offer that: is not, a WOSB the required documents in the W decisions have been issued that *indicate WOSB/EDWOSB status* (ii) It is 🗹 is not, a joint 127, and the representation in p the WOSB concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the venture:.] Each WOOB concern p copy of the WOSP representation EDWOSBs should check both boxes, (5) Economically disadvantaged women-or offeror represented itself as a women-ow (b)(4) of this provision] The offeror repre (i) Vis is is not, an ED WOSB concern eligible under the WOSB Program, has provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and (ii) R^{\Box} is \overline{C} is not, a joint venture that complies with the requirements of 13 CFR part 127, and the representation in paragraph (c)(7) (i) of this provision is accurate in reference to the EDWOSB concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the EDWOSB concern or concerns that are participating in the joint venture:.] Each EDWOSB concern participating in the joint venture shall submit a separate signed copy of the EDWOSB representation.



WOSB Program Certification





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WOSB Program Certification – Economically Disadvantaged or EDWOSB SBA Form 2414

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	info whe for C.F add clar pro info to p	use read carefully the following certification statements. The Federal government relies on the mation in this form and any documents or supplemental information submitted to determine ther the business is eligible for a contract authorized under the WOSB Program. The definitions the terms used in this certification are set forth in the Small Business Act, SBA regulations (13 R. Part 127), and also any statutory and regulatory provision referenced in those authorities. In tion, please note that the U.S. Small Business Administration (SBA) may request further ification or supporting documentation in order to assist in the verification of any of the information ided and that each person signing this certification may be prosecuted if they have provided false mation. Any action taken with respect to this certification does not affect the Government's right pursue criminal, civil or administrative remedies for incorrect or incomplete information given, if correct information has been included in other materials submitted to SBA.	
	(i)] by a (ii)	undersigned has reviewed, verified and certifies that (all boxes must be checked): The concern is certified as an EDWOSB in accordance with Section 8(m) of the Small Business Act, an SBA-approved third-party certifier. Yes No The concern is in receipt of a decision by an SBA-approved third-party certifier, that the concern does qualify as an EDWOSB in accordance with Section 8(m) of the Small Business Act.	
	its e no c (iv)	Yes No Since the date of the firm's receipt of a decision by an SBA-approved third-party certifier affirming ligibility as an EDWOSB in accordance with Section 8(m) of the Small Business Act, there have been hanges in circumstance affecting the concern's eligibility. Yes No It is currently certified by the U.S. Small Business Administration as an 8(a) BD Program icipant and the 51% owner is an economically disadvantaged woman (or women). Yes No Yes No	

Personal Financial Statement – WOSB Program SBA Form 413 (WOSB)

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	Business Name and Address: City, State, & Zip Code: The Information is current as of [month/daylyear]: Business Type:CorporationS CorpLLC Married:YesNo	Other Phone:PartnershipSole Proprietor	
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WOSB Repository

Houses documents submitted by WOSBs and EDWOSBs – validating eligibility

Secure, webbased environment



Reviews 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:*

Eligibility Examinations

- SBA may investigate the accuracy of any • certification or representation made
- SBA will conduct regular reviews of firms ٠ 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

Any WOSB/EDWOSB found to be ineligible *must remove* designation in SAM; CO shall not award the contract

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 Appeal

Resources and Q&A

There are a number of resources available to help answer questions about the WOSB Program:

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

- > You will find the latest information about the program on this site
- For questions on the WOSB program, you may also email wosb@sba.gov
- For questions on the new system, please email <u>certify@sba.gov</u>

Visit a local resource:

- > Procurement Center Representative (PCR) Directory
 - Find your local PCR at: <u>https://www.sba.gov/contracting/resources-small-businesses/pcr-directory</u>
- Small Business Administration District Offices
 - Find your local office at: <u>http://www.sba.gov/about-offices-list/2</u>
- Women's Business Centers
 - Find your local center at: <u>http://www.sba.gov/content/womens-business-centers</u>
- Small Business Development Centers
 - Find your local center at: <u>http://www.asbdc-us.org/</u>
- Procurement Technical Assistance Centers
 - Find your local center at: <u>http://www.aptac-us.org/new/</u>

Call the SBA Answer Desk: 1-800-U-ASK-SBA (1-800-827-5722)







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