

The Women-Owned Small Business Program

An Update & Overview

certify.sba.gov





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)

Impacts 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 WOSBs grow



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) implements WOSB Program. Eligible industries limited to 83 based on the RAND report – 45 NAICS codes for WOSBs and 38 for EDWOSBs.
December 2014	NDAA 2015 provides 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 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).



Overview of the WOSB Federal Contract Program

- 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	<ul style="list-style-type: none"> • NAICS code assigned to contract solicitation is in an industry in which WOSBs are substantially underrepresented (92 Industry Codes) 	<ul style="list-style-type: none"> • NAICS code assigned to contract solicitation is in an industry in which WOSBs are underrepresented (21 Additional Industry Codes)
Rule of two	<ul style="list-style-type: none"> • Contracting officer has reasonable expectation that 2 or more WOSBs will submit an offer <p><i>* Note: All EDWOSBs are WOSBs but not all WOSBs are EDWOSB</i></p>	
Award price	<ul style="list-style-type: none"> • Contract must be awarded at fair market price 	

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

www.sba.gov/wosb

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?



Eligibility Requirements for WOSBs

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

- 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 the **hold 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

To qualify as an EDWOSB, a business must meet all the requirements for a WOSB, as well as the following requirements:

- Personal net worth** (assets minus liabilities) is **less than \$750,000** excluding:
 - Ownership in business and primary personal residence
 - Income reinvested or used to pay taxes of business
 - Funds reinvested in IRA or other retirement account*
 - Transferred assets within two years if to or on behalf of immediate family member for select purposes**

- Adjusted gross income **average** over three years is \$350,000 or less excluding:
 - Income reinvested or used to pay taxes of business

- Fair market value of **all** assets is **\$6 million or less**.

* Must be IRA or other official retirement account that is unavailable until retirement age without significant penalty

** Select purposes are for that individual's education, medical expenses or other essential support or to family member in recognition of special event

Note: SBA will look at a spouse's finances if the spouse has a role in the WOSB/EDWOSB, has lent money to or provided financial support (including credit or guarantee of loan) to the business. SBA may also look at spouse's finances if both spouses are in same or similar line of business and businesses share names, websites, equipment and employees.

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 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 Appeal

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

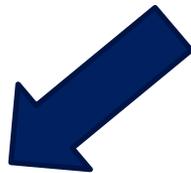


U.S. Small Business Administration



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



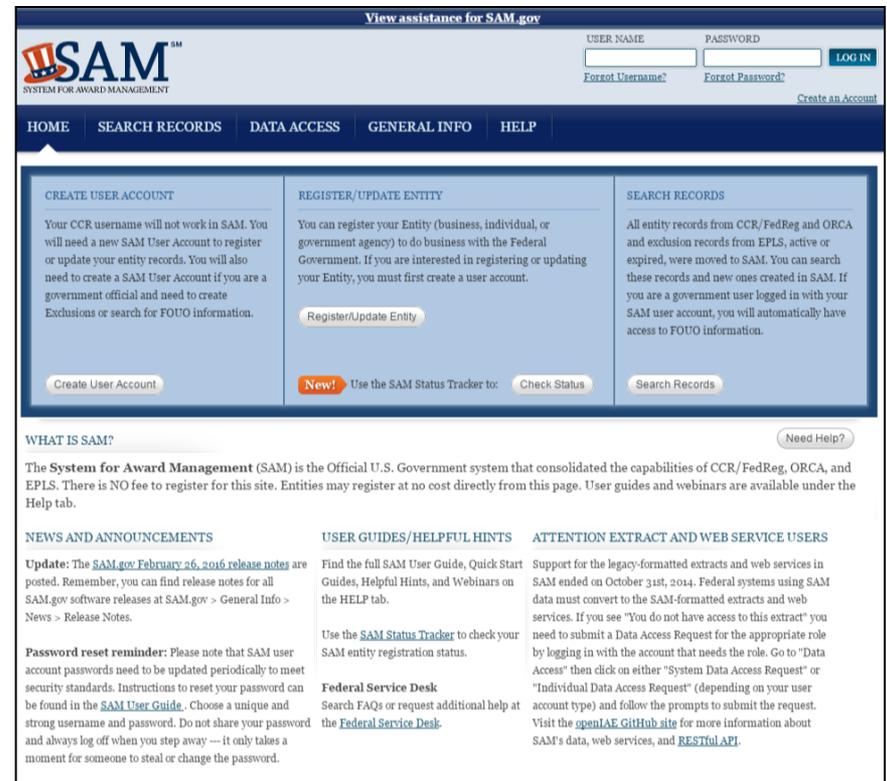
Third Party Certification with supporting documents

- *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 WOSB or EDWOSB

*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 www.SAM.gov
- 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: **DO NOT** claim status as a WOSB or EDWOSB at this stage



The screenshot shows the SAM.gov website interface. At the top, there is a navigation bar with the SAM logo and the text "SYSTEM FOR AWARD MANAGEMENT". Below the logo, there are input fields for "USER NAME" and "PASSWORD", along with "Forgot Username?" and "Forgot Password?" links, and a "LOG IN" button. A "Create an Account" link is also visible. Below the navigation bar, there are several menu items: "HOME", "SEARCH RECORDS", "DATA ACCESS", "GENERAL INFO", and "HELP". The main content area is divided into three columns: "CREATE USER ACCOUNT", "REGISTER/UPDATE ENTITY", and "SEARCH RECORDS". Each column contains descriptive text and a corresponding button. The "REGISTER/UPDATE ENTITY" column also features a "New!" badge and a "Check Status" button. At the bottom of the page, there is a "WHAT IS SAM?" section with a "Need Help?" button, and three columns of news and announcements, including "NEWS AND ANNOUNCEMENTS", "USER GUIDES/HELPFUL HINTS", and "ATTENTION EXTRACT AND WEB SERVICE USERS".

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



The screenshot shows the homepage of certify.SBA.gov. At the top left is the SBA logo, and at the top right is the text 'certify.SBA.gov'. Below the header is a navigation bar with 'HOME', 'AM I ELIGIBLE?', and 'HELP'. The main content area features a large image of a diverse group of smiling business professionals. Overlaid on this image is a white box with the text 'Welcome To Certify.SBA.gov' and a sub-header: 'The U.S. Small Business Administration (SBA) has modernized the Women-Owned Small Business (WOSB) Program certification process. Get started online and manage your eligibility documentation directly from our easy to use dashboard. GET STARTED TODAY!'. To the right of this box are three buttons: 'LOGIN' (blue), 'OR' (black), and 'CREATE ACCOUNT' (orange). Below these buttons is a 'FEDERAL EMPLOYEE LOGIN' button. The page is divided into three columns: 'NEW FEATURES' (describing a unified SBA contracting process), 'AM I ELIGIBLE?' (listing criteria for WOSB, Economically Disadvantaged WOSB, and Dynamic Small Business Search), and 'COMING SOON!' (listing upcoming programs). A 'FIND OUT' button is located below the 'AM I ELIGIBLE?' section. A grey banner at the bottom of the main content area states: 'Currently, this website is available for the Women-Owned Small Business (WOSB) Program only. For the 8(a) Business Development and HUBZone programs, please continue to use the SBA General Login System (GLS) to manage your certifications.' Below this banner is a 'WE NEED YOUR FEEDBACK' section with a blue button containing the email address 'certify@sba.gov'. A message below the button reads: 'This site is a work in progress and your experience is important to us. Please email us with comments or suggestions.' At the bottom of the page are social media icons for Facebook, Twitter, and LinkedIn, followed by the SBA logo and address: 'U.S. Small Business Administration, 409 3rd St. SW, Washington DC 20416'. The footer contains the text: 'SBA.gov | WhiteHouse.gov | USA.gov | Regulations.gov | In Partnership with BusinessUSA.gov'.



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 complete WOSB/EDWOSB Certification online and upload the following documents to verify their status:

Self-Certification – WOSBs

- Birth certificates, naturalization papers, unexpired passports to verify U.S. citizenship
- Copy of Joint Venture agreement (if applicable)
- DBA certificate
- Corporate information relating to verifying ownership by a woman or women

Self-Certification – EDWOSBs

- All requirements for WOSBs
- An SBA Form 413, Personal Financial Statement, for each woman claiming economic disadvantage and their spouse, if applicable

Third Party Certification

- Copy of Third Party Certification from an SBA Approved Third Party Certifier
- Copy of JV agreement (if applicable)

****Please Note:*** The ability for WOSBs to grant document access and the ability for COs to view documents in certify.SBA.gov 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 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 **1 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 is, 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 is 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:
- (i) is is not, a WOSB concern that 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) It is 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 WOSB concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the WOSB concern or concerns that are participating in the joint venture.] Each WOSB concern participating in the joint venture shall submit a separate signed copy of the WOSB representation.
- (5) Economically disadvantaged women-owned small business (EDWOSB) concern eligible under the EDWOSB Program. [Complete only if the offeror represented itself as a women-owned small business concern in paragraph (b)(4) of this provision] The offeror represents as part of its offer that:
- (i) is is not, an EDWOSB 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) It is 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.

Check these boxes as appropriate to indicate WOSB/EDWOSB status

EDWOSBs should check both boxes, since all EDWOSBs are also WOSBs



CO: Verification certify.SBA.gov

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

What's new?

- GLS is **no longer** a valid entry point for the WOSB program
- Due to the system upgrade, access to the WOSB Federal Contract Program Repository is temporarily unavailable for contracting officers. During this time, in order to comply with the WOSB Program requirements at 13 CFR 127.301 and FAR 19.1505(e) specifying that a CO shall verify that an apparent successful offeror has provided all the required documents set forth in 127.300(e) to the WOSB Repository, SBA will review the Repository on behalf of a CO.

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

What's new?

- A CO may request that SBA review the Repository on their behalf by sending an email to wosb@sba.gov with the following in the subject line:
- **"PENDING AWARD UNDER FAR 19.1505(e) VERIFICATION REQUEST- SOLICITATION NUMBER [insert solicitation number]."**
- Provide the following in the body of the email:
 - Apparent successful offeror's DUNS, EIN, FIRM NAME, OWNER NAME;
 - Whether the pending award is a WOSB or EDWOSB set-aside or sole source award;
 - NAICS code assigned to the procurement; and
 - the State where the CO is located.
- Within 2 business days, SBA will perform the necessary check to determine whether the apparently successful offeror has filed all the required eligibility documents and provide the CO with an email response which either: (a) notifies the CO that all required documents have been provided or (b) identifies which documents are missing in order to allow the CO to file a status protest in accordance with SBA regulations and the FAR.
- Approximately 90 awards have been verified to date.

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 certify@sba.gov

Visit a local resource:

- ▶ *Procurement Center Representative (PCR) Directory*
 - Find your local PCR at: <https://www.sba.gov/contracting/resources-small-businesses/pcr-directory>
- ▶ *Small Business Administration District Offices*
 - Find your local office at: <https://www.sba.gov/tools/local-assistance/districtoffices>
- ▶ *Women's Business Centers*
 - Find your local center at: <https://www.sba.gov/tools/local-assistance/wbc>
- ▶ *Small Business Development Centers*
 - Find your local center at: <http://www.asbdc-us.org/>
- ▶ *Procurement Technical Assistance Centers*
 - Find your local center at: <http://www.aptac-us.org/new/>

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

Questions?