Slide 1- (title page)

Women Owned Small Business Program
A Primer for Contracting Officers
U.S. Small Business Administration
Office of Government Contracting & Business Development
November 2013

Narrative

This is about increasing contract opportunities for women owned small businesses.

Welcome to SBA’s training module about the Women Owned Small Business Program. It is a training program designed for contracting officers and others interested in the WOSB program.

Slide 2 - WOSB Training Content

1. WOSB Program Overview
2. WOSB Eligibility
3. CO’s Checklist for Using the WOSB Program
4. “Parity”
5. Certification – Self Certification
6. Required Documents
7. WOSB Program Repository & the Role of the Contracting Officer
8. Reviews and Protests
9. Resources and Questions

Narrative

The WOSB training program covers nine key topic areas and is designed to be a helpful resource for contracting officers. The course is indexed and structured so that any section of the course can be easily accessed at any time.
Slide 3 - Introduction

- Small Business Act authorizes contract set asides for WOSBs or EDWOSBs
- Defined as the Women-Owned Small Business Federal Contract Program
- Creates opportunities for women entrepreneurs

Narrative

The Small Business Act now authorizes federal contracting officers to set aside certain contracting requirements for women-owned small businesses and/or economically disadvantaged women-owned small businesses. This provision of the law is known as the Women-Owned Small Business Federal Contract Program or simply, the WOSB program.

The new program creates contract opportunities for women entrepreneurs.

This guide provides an overview of WOSB program requirements, including the role and responsibilities of contracting officers with respect to the program.

Slide 4 - Program Purpose

- Help more women owned small businesses win federal contracts
- Assist federal agencies to meet statutorily established 5% government-wide contracting goals for women owned small businesses

Narrative

The program is designed to help more women owned small businesses win federal contracts. It is also intended to help federal agencies to meet contracting goals for women owned small businesses.

That is, in accordance with legislatively established government-wide contracting goals, federal agencies are supposed to award at least 5% of all prime contract dollars awarded each year to women-owned small businesses. This program helps agencies achieve the women’s contracting goal.

Prior to the implementation of this program, contracting officers did not have a specific authority to set-aside acquisitions for women owned small businesses or economically disadvantaged women owned small businesses. Without a specific set-aside, agencies were having difficulty meeting the women’s contracting goal.

Accordingly, a key purpose of this program is to help agencies meet the 5 percent women’s contracting goal and ensure a level playing field on which women owned small businesses can compete for federal contracting opportunities.

Slide 5 - WOSB Program (topic area)

Narrative
The WOSB program.

Slide 6 - WOSB Program Snapshot

- Set-asides must be in industries designated by SBA
- Requirements can be set-aside for WOSBs or EDWOSBs
- Competition is required for all WOSB and EDWOSB contracts
- WOSBs are required to self certify as a woman owned small business (or use a third party certifier)
- Learn more... View Compliance Guide -

Narrative

The WOSB program can open new doors for women entrepreneurs.

However, not all contract opportunities are eligible and there are limitations. The women-owned small business program is defined by several key tenets: the program applies only to contracts in designated industries; requirements can only be set-aside for WOSBs or EDWOSBs; competition is required for WOSB and EDWOSB contract awards; and, participating women-owned small businesses are required to self certify, or optionally use a third party certifier.

Each of these provisions is discussed in the following.

Slide 7 - Only Designated Industries

- Only contract requirements in industries designated by the SBA as underrepresented or substantially underrepresented are eligible for set-asides under the WOSB program
- Over 300 six-digit industry codes are eligible
- View designated industries by NAICS codes – http://www.sba.gov/wosb

Narrative

Only contract requirements in industries designated by the SBA as underrepresented or substantially underrepresented are eligible for set asides under the women’s program.

Use the hyperlink to view eligible industries by applicable NAICS codes. Remember, and this is important, only designated industries are eligible for the WOSB program. Some industries – those designated as substantially underrepresented -- are eligible for women owned small business set-asides and others -- designated as just underrepresented -- are eligible for economically disadvantaged women owned small business set-asides.
Slide 8 - Set-asides - WOSB

• A contracting officer may set-aside a requirement for women owned small business (WOSB) if:
  – The NAICS code assigned to the solicitation, invitation for bid, or quote is in an industry in which SBA has designated that WOSBs are substantially underrepresented
  – Rule of two applies
  – Anticipated award amount does not exceed contract limitations
  – Contract can be awarded at a fair and reasonable price

Narrative

A contracting officer may set-aside a requirement for women owned small businesses if:

• the NAICS code assigned to the solicitation, invitation for bid, or quote is in an industry in which SBA has designated that WOSBs are substantially underrepresented;

• the contracting officer has a reasonable expectation that two or more WOSBs will submit offers; and,

• in the estimation of the contracting officer, the contract can be awarded at a fair and reasonable price.

Slide 9 - Set-asides – EDWOSB

• A contracting officer may set-aside a requirement for economically disadvantaged women owned small businesses (EDWOSB) if:
  – The NAICS code assigned to the solicitation, invitation for bid, or quote is in an industry in which SBA has designated that WOSBs are underrepresented
  – Rule of two applies
  – Contract can be awarded at a fair and reasonable price

Narrative

A contracting officer may set-aside a requirement for economically disadvantaged women owned small businesses if:

• the NAICS code assigned to the solicitation, invitation for bid, or quote is in an industry in which SBA has designated that WOSBs are underrepresented;

• the contracting officer has a reasonable expectation that two or more WOSBs will submit offers; and,
• in the estimation of the contracting officer, the contract can be awarded at a fair and reasonable price.

Slide 10 – NO Limitations on Contract Amounts

• No restrictions on the dollar amounts for eligible WOSB contracts
• Revisions to the National Defense Authorization Act, which went into effect May 7, 2013, removed “caps” on contract amounts under the WOSB program

Narrative

When the WOSB program was first established, there were restrictions on the dollar amounts for contracts eligible under the program. These limitations or “caps” on contract amounts were removed, effective May 7, 2013, as a result of amendments in the National Defense Authorization Act of 2013.

Slide 11 – Competition is Required

• Competition is required
• Sole source awards are not authorized

Narrative

The WOSB program requires competition. Sole source awards are not authorized.

Simply put, all contract awards under the WOSB program are required to be executed in a competitive manner.

Slide 12 - WOSBs Required to Self Certify (or use a third party certifier option)

• Self certification
• Third party certification (option)

Narrative

Women business owners participating in the WOSB program are required to self certify – with documentation, or optionally use a third party certifier.

Contracting officers are required to verify that the apparent successful offeror -- participating in a WOSB set-aside, prior to the award of the contract -- has filed proper documentation in the WOSB repository. This is an important aspect of the WOSB program. Self certification and contractor officer review of documentation are both further explained later in the training program.
Slide 13 - Important Clarification

- SBA does not certify firms into the WOSB program, like it does for the 8(a) Business Development and HUBZone programs
- A women owned small business may self-certify and upload certain corporate documents into the WOSB repository or optionally use an SBA approved third-party certifier

Narrative

The WOSB program is not an SBA certification program. That is, SBA does not certify companies into the WOSB program, like it does for the 8(a) Business Development or HUBZone programs.

The WOSB program is a hybrid certification program. A business is required to self-certify – with documentation, or as an option, be certified by a third party certifier, approved by the SBA. This is an important clarification. SBA does not certify firms into the WOSB program, nor does it provide any formal notification regarding certification.

Slide 14 - WOSB Eligibility (topic area)

Narrative

WOSB program eligibility.

Slide 15 - Eligibility WOSB

WOSB...

- At least 51% owned and controlled by one or more women who are U.S. citizens
- Ownership must be direct and not subject to conditions
- A woman or women must manage day to day operations and provide verifying documents
- Be at or below the small business size standard for the primary NAICS code, the NAICS code assigned to the solicitation, and the contract for which it submits an offer

Narrative

Only women-owned small businesses are eligible for the WOSB program.

A WOSB is defined as a small business that is at least 51% owned and controlled by one or more women who are US citizens. The ownership must be direct and not subject to conditions. A woman or women must manage the day to day operations of the business and be able to provide documents demonstrating that these requirements are satisfied.

In addition, the business must meet the small business size standard for the primary NAICS code, the NAICS code assigned to the solicitation, and the contract for which it submits an offer.
EDWOSB...

- Own at least 51% of business and satisfy all conditions for a WOSB
- Personal net worth of less than $750,000
- Adjusted annual income of $350,000 or less
- Market value of all assets does not exceed $6 million (including business value and primary residence)

Narrative

An economically disadvantaged woman-owned small business must own at least 51% of the business and satisfy all conditions for a WOSB. In addition, a woman is economically disadvantaged if she has a personal net worth of less than $750,000, her adjusted gross annual income -- averaged over three years -- does not exceed $350,000 and the fair market value of all of her assets does not exceed $6 million.

Slide 17 - Joint Ventures

- Combined annual receipts or number of employees must be applicable with NAICS code assigned to contract
- WOSB or EDWOSB must manage the venture, be responsible for performance and receive at least 51% of profits
- Agreement must be in writing
- Joint Venture must meet subcontracting limitations

Narrative

A WOSB or EDWOSB may submit an offer as a joint venture with another small business, if certain requirements are met.

These requirements are:

- the combined annual receipts or number of employees for the joint venture must be applicable with the NAICS code assigned to the contract;
- the WOSB or EDWOSB must manage the joint venture and be responsible for the performance of the contract, and must receive at least 51% of the profits;
- the joint venture agreement must be in writing; and,
- finally, the joint venture must meet subcontracting limitations.
Slide 18 - Contracting Officer’s Checklist for Using the WOSB Program (topic area)

Narrative

Contracting Officer’s Checklist for Using the WOSB Program.

Slide 19 - Checklist for Using the WOSB Program

1. Determine the NAICS code for the acquisition

2. Check SBA’s website (www.sba.gov/wosb) for industries designated as underrepresented or substantially underrepresented

3. If the NAICS code assigned to the acquisition is in an underrepresented industry, it can be set-aside for EDWOSBs

4. If the NAICS code is in a substantially underrepresented industry, it can be set-aside for WOSBs

Narrative

To help contracting officers determine if using the WOSB program is an appropriate choice – this is a quick list of guidelines, or checklist.

First, determine the NAICS code for the acquisition.

Then, check SBA’s website for industries designated as underrepresented or substantially underrepresented.

If the NAICS code assigned to the acquisition is in an underrepresented industry, it can be set-aside for EDWOSBs.

If the NAICS code is in a substantially underrepresented industry, it can be set-aside for WOSBs. In both cases, WOSBS or EDWOSBs, the set-aside is predicated on market research.

Slide 20 - Checklist for Using the WOSB Program (cont)

5. Conduct market research – FAR part 10 is best resource

6. Notify all potential offerors

7. Verify that the apparent successful offeror is eligible for an award

8. Properly document the contract file

9. Issue a pre-award notification
As with most pre-contract awards, market research is important. FAR part 10 outlines how market research can be conducted. Generally, agencies use recent, past acquisition history and searches on the Dynamic Small Business Search engine to determine if small firms are available for an acquisition and determine if the rule of two applies. Importantly, review your market research to determine if the acquisition can in-fact be set-aside for WOSBs or EDWOSBs.

If you decide to do a WOSB or EDWOSB award, make certain that you notify potential offerors in the solicitation.

You must also verify that the apparent successful offeror is eligible for an award. To do this, you would check the WOSB program repository to make certain that all required documents – pertaining to WOSB certification – have been submitted.

In addition, you must properly document the file. This important step includes: outlining the market research you conducted; validating that the NAICS code for the award is designated by the SBA as underrepresented if for a EDWOSB set-aside or substantially underrepresented if for a WOSB award; and, documenting that you checked the ORCA representation and WOSB repository for the apparent successful offeror.

And finally, according to FAR 15.503, you must provide pre-award notification to unsuccessful offerors.

Slide 21 - “Parity” (topic area)

Narrative

Parity and the WOSB program.

Slide 22 - The Question of Parity

- Regarding parity, all small business programs are equal...

- SBA’s current regulations provide contracting officers with discretion to utilize either the 8(a) BD, SDVO SBC, HUBZone or WOSB programs – before the traditional small business set-aside

Narrative

Parity is the term that is used to describe which small business program can be used for an acquisition. All small business programs – with regards to parity – are equal.

SBA’s current regulations provide contracting officers with the discretion to utilize either the 8(a) Business Development, service disabled veteran owned small business, HUBZone, or WOSB Programs, before the traditional small business set-aside -- depending on the acquisition history, dollar value of the contract, results of the market research, programmatic needs specific to the procuring agency, and the need to meet the agency’s goals.
Slide 23 - Acquisitions Exceeding $3,000 (but less than $150,000) -- Parity

Procurements valued from $3,000 to $150,000

1. Consider WOSB/EDWOSB or 8(a) BD or SDVO SBC or HUBZone -- before traditional small business set-aside
2. Full and open competition (not a small business set-aside)

Narrative

For small acquisition threshold purchases, acquisitions exceeding $3,000, but less than $150,000, the contracting officer must consider the 8(a) BD, service disabled veteran owned small business, HUBZone, or WOSB Programs, before using the traditional small business set-aside program.

Slide 24 - For Acquisitions Over $150,000 -- Parity

Procurements valued over $150,000

1. Consider WOSB/EDWOSB or 8(a) BD or SDVO SBC or HUBZone
2. Small business set-aside
3. Full and open competition (not a small business set-aside)

Narrative

For acquisitions over $150,000, contracting officers must first consider the 8(a) BD, service disabled veteran owned small business, HUBZone, or WOSB Programs, before using the traditional small business set-aside program. If the first two options are not doable, the contracting officer can use a full and open competition approach that is unrestricted for small businesses.

Slide 25 - Certification – Self Certification and Third Party Certification (topic area)

Narrative

Certification – self certification and third party certification.

Slide 26 - Self Certification (or use an optional third party certifier)

- WOSBs or EDWOSBs can self certify or use an optional third party certifier

Narrative

There are two ways a woman owned business can certify for the WOSB program --- self certification with supporting documentation or by using an optional third party certifier with documentation.

Slide 27 - Self Certification
• WOSBs or EDWOSBs can self certify by:
  – Registering in the SAM
  – Accessing SBA’s General Login System (GLS)
  – Completing the WOSB/EDWOSB program certification form
  – Submitting documents to the WOSB program repository
  – Submitting other documents as requested
  – Representing WOSB/EDWOSB status in SAM

Learn more... View Compliance Guide -

Narrative

To self certify, a woman-owned small business or economically disadvantaged woman-owned small business must complete several steps:

The self-certifying firm must first, register in the SAM; access SBA’s General Login System (GLS); complete the WOSB/EDWOSB program certification form; submit documents to the WOSB program repository; submit other documents as requested; and finally, represent the firm’s WOSB or EDWOSB status in SAM.

Slide 28 - Third Party Certification

• Third party certification is an optional approach
• WOSBs or EDWOSBs can use a third party certifier
• National certifying entity approved by the SBA
• View approved third party certifiers... www.sba.gov/wosb

Narrative

Third party certification is an optional approach. A WOSB or EDWOSB can use a third party certifier to achieve WOSB certification.

A third party certifier is a national certifying entity approved by the Small Business Administration to provide certifications of WOSBs or EDWOSBs. SBA maintains a list of approved third party certifiers on its Website.

At present, there are **four approved third party certifiers**.
Slide 29 - Third Party Certification (cont)

- Third Party Certification by:
  - Registering in SAM
  - Accessing SBA's General Login System (GLS)
  - Obtaining and providing a copy of the third party certification
  - Completing the WOSB/EDWOSB program certification form
  - Submitting documents to the WOSB program repository
  - Submitting other documents as requested
  - Representing WOSB status in SAM

Narrative

If a WOSB or EDWOSB engages or receives a third party certification from an approved certifier, it is required to complete or facilitate several of the same steps as if the firm was self-certifying.

That is, the firm must still register in the SAM; it must gain access to SBA’s General Login System; it must complete the WOSB or EDWOSB program certification form; it must obtain and provide a copy of the third party certification from the approved certifier; and it -- not the third party certifier -- is required to upload all noted documents to the WOSB program repository. The firm must also have registered and represented itself in SAM as a WOSB.

Once a firm self certifies and uploads required documentation to the WOSB repository or uses a third party certifier and uploads required documentation to the repository, it will not receive any formal notification from the SBA.

Slide 30 - Required Documents (topic area)

Narrative

Required documents.

Slide 31 - Required Documents (self-certification)

- WOSB /EDWOSB Program Certification form
- Copies of birth certificates, naturalization papers, or unexpired passports for owners who are women
- Copy of the joint venture agreement, if applicable
- Personal financial statement(s) for EDWOSBs
• **For limited liability companies:**
  - Articles of organization (also referred to as certificate of organization or articles of formation) and any amendments; and operating agreement, as well as any amendments

• **For corporations:**
  - Articles of incorporation and any amendments; by-laws and any amendments; all issued stock certificates, including the front and back copies, signed in accordance with the by-laws; stock ledger; and voting agreements, if any

• **For partnerships:**
  - Partnership agreement and any amendments; and, the assumed/fictitious name (doing business as) certificate

**Narrative**

To self certify in the WOSB program, a firm is required to upload a number of supporting documents to the WOSB Program Repository. This is an important step in the certification process and an aspect of the program where contracting officers play a critical role.

By statute, documents verifying a WOSB’s or EDWOSB’s eligibility must be sent to the contracting officer. Rather than have documents sent directly to contracting officers, SBA has created a document warehouse, the WOSB program repository. Documents in the repository can only be accessed by the respective WOSB, SBA and the contracting officer – only if and when the WOSB firm authorizes the contracting officer to view the documents.

For firms that self certify, the contracting officer should look for the following required documents:

• The WOSB or EDWOSB Program Certification form;

• Copies of birth certificates, naturalization papers, or unexpired passports for owners who are women;

• A copy of the joint venture agreement, if applicable;

• **For limited liability companies:**

  Articles of organization and any amendments; any operating agreements, as well as any amendments.

• **For corporations:**

  Articles of incorporation and any amendments; by-laws and any amendments; all issued stock certificates, including the front and back copies, signed in accordance with the by-laws; stock ledger; and voting agreements, if any.

• **For partnerships:**
Partnership agreement and any amendments; and, the fictitious name -- or doing business as -- certificate.

In addition for EDWOSBs, contracting officers should look for a personal financial statement – SBA Form 413 – for each woman claiming economic disadvantage.

Slide 32 - Required Documents (third party certification)

• Third Party Certification (from certifier)

• See require documents for self certification

Narrative

If a firm uses an approved third party certifier, much of the same documentation is required to be uploaded to the WOSB Program Repository – including a personal financial statement for each woman claiming economic disadvantage. However, a key difference is that the firm would also be required to provide and upload a copy of the third party certification.

Slide 33 - WOSB Program Repository and the Role of the Contracting Officer (topic area)

Narrative

The WOSB program repository and the role of the contracting officer.

Slide 34 - WOSB Program Repository

• WOSB repository is an important tool

• Houses documents submitted by EDWOSBs and WOSBs – validating eligibility in the WOSB program

• Secure, web-based environment

• Learn more... View Compliance Guide -

Narrative

Again, the WOSB program repository is an important tool that plays a critical role in the WOSB certification process. It is a document repository maintained by SBA to house documents submitted by EDWOSBs and WOSBs – supporting the firm’s eligibility in the WOSB program.

The repository is a secure, web-based environment that is accessible to individual WOSBs and EDWOSBs, applicable contracting officers and the SBA.

Slide 35 - Role of the Contracting Officer
• Contracting officers are required to access the WOSB Program Repository

• Apparent successful offerors provide contracting officers access to their documentation in the repository

• Contracting officers review required WOSB documentation

Narrative

Contracting officers, prior to the award of a contract under the WOSB program, are required to access the repository to review the documentation submitted by the apparent successful offeror. The apparent successful offeror is required to provide the contracting officer access to its documentation in the WOSB repository.

This is an important role of the contracting officer. The WOSB required documents identified in the prior section are to be reviewed – prior to an award under the WOSB program – by the contracting officer.

Slide 36 - Reviews and Protests (topic area)

Narrative

Reviews and protests.

Slide 37 - Eligibility Examinations

• SBA may investigate the accuracy of any WOSB certification or representation

• Agency will conduct regular reviews of firms who have self certified or used third party certifiers

• Additional supporting documentation could be requested by SBA and the agency may perform a site visit of a firm

Narrative

SBA is committed to ensuring that only eligible WOSBs benefit from the WOSB program. That said, it will use eligibility examinations as a tool to ensure compliance. It will also the protest mechanism as a way to ensure compliance.

SBA will conduct regular reviews of firms who have self certified or who have used third party certifiers to participate in the WOSB program. An eligibility review will include an evaluation by SBA of the documents uploaded by a firm into the WOSB program repository. The agency may also request additional supporting documents and it may perform a site visit of the firm.

Slide 38 - Protests

• SBA may investigate the accuracy of any WOSB certification or representation
• Only an interested party, SBA or the contracting officer can submit a protest

• Learn more... View Compliance Guide -

Narrative

SBA may investigate the accuracy of any certification or representation made as it relates to a specific WOSB or EDWOSB set-aside.

Only an interested party, SBA or the contracting officer may submit a protest – regarding a WOSB award. A protest must be submitted to the contracting officer within a certain timeframe and can only protest the ownership, control and economic disadvantage requirements surrounding a specific WOSB.

SBA reviews each protest and makes a final decision, which may be appealed to the Office of Hearings and Appeal.

Slide 39 - Resources and Questions (topic area)

Narrative

Resources and questions.

Slide 40 - Resources & Tools

Resource links...

Contracting Officer -- WOSB Compliance Guide --

WOSB Certification Form – WOSB  http://www.sba.gov/content/women-owned-small-business-wosb-program-certification

WOSB Certification Form – EDWOSB http://www.sba.gov/content/women-owned-small-business-wosb-program-certification-edwosbs

WOSB Applicable NAICS codes www.sba.gov/wosb


GLS Registration https://eweb.sba.gov/gls/dsp_addcustomer.cfm?imappsystypnm=8ASDB


Procurement Technical Assistance Centers http://www.aptac-us.org/new/Govt_Contracting/find.php

SBA Size Standards [http://www.sba.gov/content/am-i-small-business-concern](http://www.sba.gov/content/am-i-small-business-concern)

Narrative

There are numerous resources and tools to help contracting officers better understand and use the WOSB program.

Slide 41 - Resources & Tools (cont)

Resource links...

SCORE [http://www.score.org/chapters-map](http://www.score.org/chapters-map)

WOSB Information [www.sba.gov/wosb](http://www.sba.gov/wosb)


SBA District Offices [http://www.sba.gov/about-offices-list/2](http://www.sba.gov/about-offices-list/2)

Narrative

Use these resources and tools to assist you.

Slide 42 - Contact Us...

- Thank you for taking the time to learn about the WOSB program
- Please contact us with any questions you may have

**WOSB Questions**

1-800 U-ASK-SBA (1-800-827-5722)

WOSB@sba.gov

Narrative

Thank you for taking the time to learn about the WOSB program. Much information has been discussed and we hope it is helpful. Most importantly, we hope you use the WOSB program.

Please contact us with any questions you may have about the program.

Thank you.