Women Owned Small Business Program (WOSB)
A Primer for Contracting Officers
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.

NOTE: This supplemental workbook tracks the slides and narrative contained in the online training program, Women Owned Small Business Program – A Primer for Contracting Officers. The online version of the training program, with audio can be accessed at: www.sba.gov/gcclassroom. For the convenience of users, all hyperlinks contained in the copied slides are included as links at the end of the workbook.
This training program covers ten 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.
The Small Business Act now authorizes federal contracting officers to set aside certain contracting requirements for women-owned small businesses 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 training guide provides an overview of WOSB program requirements, including the role and responsibilities of contracting officers with respect to the program.
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.
The WOSB program.
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.
Only contract requirements in industries designated by the SBA as underrepresented or substantially underrepresented are eligible for set-asides under the WOSB 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.
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.
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.
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.
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.
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.
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.
WOSB program eligibility.
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 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.
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.
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.
Contracting officer’s checklist for using the WOSB program.
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.

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.
5. Conduct market research – FAR Part 10 is the 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 best conducted.

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, and 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 finally, according to FAR Part 15.503, you must provide pre-award notification to unsuccessful offerors.
Parity and the WOSB program.
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.
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.
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.

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<td>1. Consider WOSB/EDWOSB or 8(a) BD or SDVO SBC or HUBZone</td>
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<td>2. Small business set-aside</td>
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<td>3. Full and open competition (not a small business set-aside)</td>
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WOSB certification.
There are two ways a woman owned business can certify for the WOSB program --- self certification with supporting documentation uploaded to the WOSB repository or by using an optional third party certifier with documentation.
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 System for Award Management; 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.
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.
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 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 itself in SAM as a WOSB or EDWOSB.

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.
Required documentation.
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.
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.
The WOSB repository and the role of the contracting officer.
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.
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.
Reviews and protests.
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 use the protest mechanism as a way to ensure compliance.

SBA may conduct 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 repository. The agency may also request additional supporting documents and it may perform a site visit of the firm.
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 or EDWOSB 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 or EDWOSB.

SBA reviews each protest and makes a final decision, which may be appealed to the Office of Hearings and Appeal.
Resources and tools.
There are numerous resources and tools to help contracting officers better understand and use the WOSB program.

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-- Women Owned Small Business Program --
Use these resources and tools to assist you.

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Notes
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.

Also, included in the following slides as an addendum, is a step-by-step description of how to access and use the WOSB repository.

Thank you.
Addendum. How to access the WOSB program repository.
The first thing you need to do is access SBA's General Login System, more commonly known as GLS. A hyperlink to the GLS login page is included here for your convenience.
If you do not already have a GLS account, you must register for an account. Fill in all of the blue highlighted fields.
Make certain that you complete all of the fields and that you identify your job as, “contracting officer.”
Once you have a user ID and password, log into GLS.
Read the Terms and Conditions and click OK.
Once in GLS, Click on the Access Button to gain entry to the Women Owned Small Business (WOSB) Repository.
Select the Federal Agency Contract Officer role for the WOSB Repository.
After SBA approves your access, the WOSB repository will be listed as one of your currently available applications.
Once you are in the WOSB Repository, read the disclaimer.
To view a firm’s uploaded documents, click on Business View to see a list of firms who have granted you access. Then, click on a firm’s business name to see its uploaded documents.
You can then click on any document to download and view.
You may also view firms by searching solicitations. Click on Solicitation View to see the solicitations.
Once you click on a solicitation, you will see a list of firms who have authorized you access to their documents. It is important to note,

**Note that a Contracting Officer will only be able to view documents of firms that have authorized them access. If you do not see a firm that you need to review, contact them and ask them to grant you access.**

End.
Hyperlinks Contained in the Workbook

WOSB Compliance Guide

SBA – WOSB Information Webpage – www.sba.gov/wosb

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/pls/dsp_addcustomer.cfm?imappsystypnm=8ASDB

13CFR – Part 127 http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=5ec37e86d24337acf755a802cd30133f&tpl=/ecfrbrowse/Title13/13cfr127_main_02.tpl

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

Women’s Business Centers http://www.sba.gov/content/womens-business-centers

SCORE http://www.score.org/chapters-map

WOSB Information www.sba.gov/wosb

Office of Women’s Business Ownership http://www.sba.gov/about-offices-content/1/2895

Small Business Development Centers http://www.asbdc-us.org/

SBA District Offices http://www.sba.gov/about-offices-list/2

j.oconnor – November 2013