

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



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 been 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



History of the WOSB Federal Contract Program

Time	Event
December 2000	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 industries for WOSBs and 38 industries for EDWOSBs.
December 2014	NDAA 2015 provides sole source authority to the program, ended self-certification option. 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).



Requirements for WOSB and EDWOSB *Set-Aside Contracts*

Contracting officers may limit competition to WOSBs or EDWOSBs 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 Groups – 365 NAICS Codes) 	<ul style="list-style-type: none"> • NAICS code assigned to contract solicitation is in an industry in which WOSBs are underrepresented (21 Industry Groups – 80 NAICS 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 to make sole source award to a WOSB or EDWOSB, the following conditions must be met:

- 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 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.



Eligibility Requirements for Joint Ventures

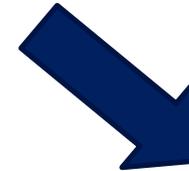
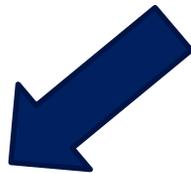
*A WOSB/EDWOSB may submit an offer as a **joint venture** with another small business if the following requirements are met*

- Size: each concern is small under the applicable size standard
- EDWOSB/WOSB must manage the joint venture
- EDWOSB/WOSB employee must be project manager responsible for performance of the contract
- EDWOSB/WOSB must receive at least 51% of net profits
- Joint venture agreement must be in writing
- Joint venture must meet subcontracting limitations

Note: Joint venture agreement does not have to be approved by SBA

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

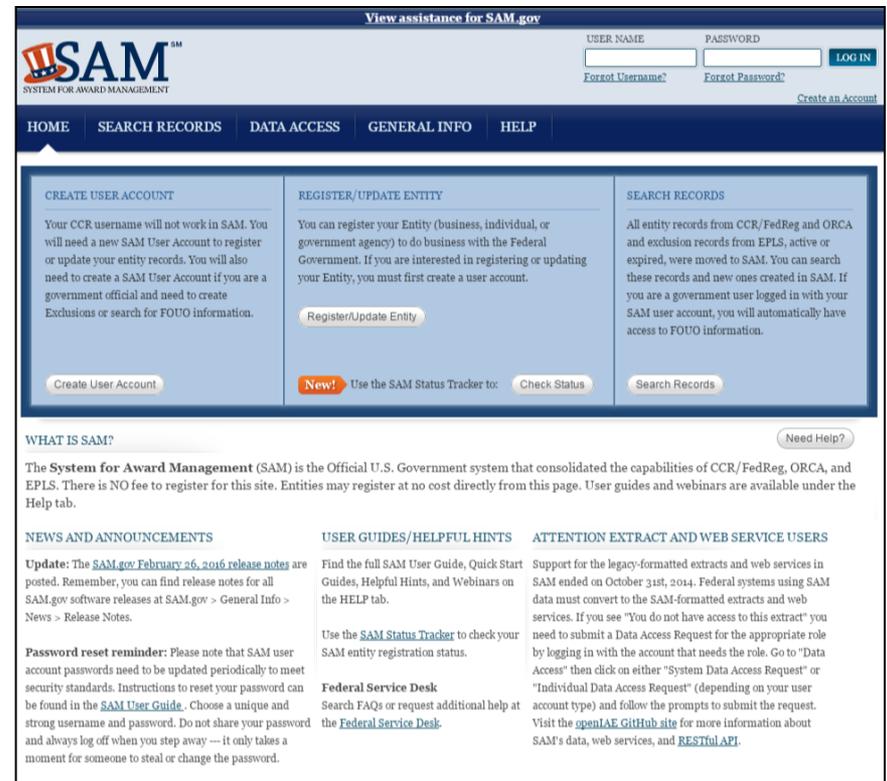
Third Party Certification with supporting documents

- *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 button to perform the respective action. Below the main content area, there is a "WHAT IS SAM?" section with a "Need Help?" button, and a "NEWS AND ANNOUNCEMENTS" section with several news items. To the right, there are sections for "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' (with a 'FIND OUT' button), 'AM I ELIGIBLE?' (with a 'FIND OUT' button), and 'COMING SOON!'. 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 'certify@sba.gov' button and the text: '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 links: 'SBA.gov | WhiteHouse.gov | USA.gov | Regulations.gov | In Partnership with BusinessUSA.gov'.



Step 2: Upload documents on [certify.SBA.gov](https://certify.sba.gov) (cont.)

WOSB Program Repository is currently housed at certify.sba.gov, 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 Questionnaire online and upload the following documents to verify their status:

Self-Certification – WOSBs

- Birth certificates, naturalization papers, unexpired passports to verify U.S. citizenship
- Corporate information verifying ownership and management control 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 (completed online)

Third Party Certification

- Third Party Certification from an SBA Approved Third Party Certifier



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

Corporation	LLC	Partnership	Sole Proprietorship
Articles of incorporation and any amendments	Articles of organization and any amendments	Partnership agreement and any amendments	Assumed/fictitious name certificate(s) ¹
By-laws and any amendments	Operating agreement and any amendments		
All issued stock certificates (front and back copies) signed in accordance with by-laws			
Stock ledger			
Voting agreements, if any			
Assumed/fictitious name certificate(s), if applicable	Assumed/fictitious name certificate(s), if applicable	Assumed/fictitious name certificate(s), if applicable	
Joint venture agreement, if applicable	Joint venture agreement, if applicable	Joint venture agreement, if applicable	



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

*As of March 2016, WOSBs and EDWOSBs can manage their eligibility documents in **certify.SBA.gov***

What's new?

- The WOSB Repository **has moved** from GLS to its new home at [certify.SBA.gov](https://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](https://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 eligible under the WOSB Program, has provided 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

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 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

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?