



News Release

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Contact: Christine Mangi (202) 205-6948
Internet Address: <http://www.sba.gov/news>

SBA Submits Final Women's Contracting Rule

WASHINGTON, DC — On Friday, the U.S. Small Business Administration submitted to the Federal Register its final rule concerning women-owned small business (WOSB) contracting procedures, plus a new proposed rule on the industries eligible for WOSB contract assistance. The rule was submitted in advance of this morning's hearing in a federal lawsuit that requires SBA to show progress toward finalizing the rule.

The proposed rule introduces a new data source that, if adopted, would significantly increase the number of industries under which a set aside could be established to 31, from the four that were permissible under the previously proposed data set.

The proposed rule notifies the public of an inherent limitation with the data set used by the Kauffman-RAND Institute for Entrepreneurship Public Policy (RAND) to determine in which industries WOSBs are underrepresented. SBA recognized the limitation during hearing preparations for its Administrator-designee.

The data limitation was not among those specifically disclosed by RAND in its study and consequently was not discussed in the proposed rule. None of the public comments SBA received on the original rule noted this issue, although it was inherent to and discoverable from the underlying data disclosed to the public.

In the newly proposed rule, SBA describes an alternative data set which was not available for the RAND study or the previously proposed rule and was obtained by SBA from the U.S. Census Bureau. The new proposal gives the public a 30-day period to comment on the available data sets. The comments will be evaluated to determine the best available data to determine in which industries WOSBs are underrepresented in federal procurement.

The final rule submitted sets forth procedures for implementing set asides in the eligible industries. The procedures are similar to those set forth in the proposed rule published on December 27, 2007.

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