



Women-Owned Small Business (WOSB) Federal Contract Program

Program information for the Procurement Workforce



Topics for discussion

- Overview of the WOSB program
- Eligibility requirements
- Certification
- Steps to participate in the program
- Steps to compete for WOSB federal contracts
- Reviews & Protests
- Information for the Procurement Workforce
- Resources and Q&A

Overview of Women-Owned Small Business program

Program overview

The Women-Owned Small Business (WOSB) program authorizes contracting officers to **set aside certain federal contracts** for eligible:

- Women-owned small businesses (WOSBs) or
- Economically disadvantaged women-owned small businesses (EDWOSBs)



Impact of this program

- **Levels the playing field for WOSBs** to compete for and win federal contracts
- Provides procuring agencies a tool to help **meet their WOSB contracting goal** (i.e., the Federal government must award 5% of its prime contracting dollars to WOSBs)
- Ultimately, the program helps **create and retain more jobs for WOSBs**

Requirements for WOSB and EDWOSB Set Asides

Contracting officers may set aside contracts for WOSBs and EDWOSBs if they meet the following requirements:

	WOSB Set Aside	EDWOSB Set Aside
Industries	<ul style="list-style-type: none"> • NAICS code assigned to solicitation, IFB or quote is in an industry in which WOSBs are substantially underrepresented (38 4-digit NAICS designated) 	<ul style="list-style-type: none"> • NAICS code assigned to solicitation, IFB or quote is in an industry in which WOSBs are underrepresented (45 4-digit NAICS designated)
Rule of two	<ul style="list-style-type: none"> • Contracting officer has reasonable expectation that 2 or more WOSBs will submit an offer * <i>Note: All EDWOSBs are WOSBs</i> 	<ul style="list-style-type: none"> • Contracting officer has reasonable expectation that 2 or more EDWOSBs will submit an offer * <i>Note: Not all WOSBs are EDWOSBs</i>
Award price	<ul style="list-style-type: none"> • Anticipated award price <u>including options</u> does not exceed the statutory thresholds of \$5M for manufacturing or \$3M for other contracts • Contract can be awarded at fair market price 	

A complete list of applicable NAICS codes can be found at www.sba.gov/wosb

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Eligibility Requirements for WOSBs

- ❑ 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 **hold highest officer position**
- ❑ The woman must work at the business **full-time during normal working hours**
- ❑ **No minimum amount of time** the business has been operational

*We do not consider community property laws when looking at ownership.



Eligibility Requirements for EDWOSBs

Same requirements as WOSBs (on previous page) PLUS:

- ❑ **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 assets** is **\$6 million or less** excluding:
 - Funds reinvested in IRA or other official retirement account



* 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.

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:** Combined annual receipts or employees of joint venture must meet NAICS code assigned to contract*
- EDWOSB/WOSB must be **managing venturer**
- EDWOSB/WOSB employee must be **project manager** responsible for performance of the contract
- EDWOSB/WOSB must receive **at least 51% of net profits**
- The 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

*Unless exception in 13 C.F.R. § 121.103(h)(3) applies.

Examples of how the program works

Example 1

- The requirement is assigned NAICS 812990, Other Personal Services, and has an estimated value of \$12M
- The Contracting Officer cannot set aside the acquisition for WOSBs even though NAICS 8129 is an industry in which WOSBs are substantially underrepresented because the dollar value of the procurement exceeds the statutory thresholds. If the dollar value were less than \$3M, it could be set aside for WOSBs.

Example 2

- The requirement is assigned NAICS 518210, Data Processing, Hosting and Related Services, with an estimated value of \$2.8M
- The Contracting Officer can set aside the requirement for WOSBs because NAICS 5182 is an industry in which WOSBs are substantially underrepresented and the dollar value of the procurement does not exceed the statutory thresholds
- The Contracting Officer cannot set aside the requirement for EDWOSBs; however, since EDWOSBs are also WOSBs, they can submit an offer in response to this WOSB set aside

Example 3

- The requirement is assigned NAICS 561410, Document Preparation Services, and has an estimated value of \$2M
- The Contracting Officer can set aside the acquisition for EDWOSBs because NAICS 5614 is an industry in which WOSBs are underrepresented and the dollar value is less than the statutory threshold of \$3M
- The Contracting Officer cannot set aside the acquisition for WOSBs because NAICS 5614 is NOT an industry in which WOSBs are substantially underrepresented

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WOSB program certification



There are two ways to certify for the WOSB program:

- **Self certification** with supporting documents, or
- **Third Party Certification** with supporting documents

Self Certification

- ▶ Free, no cost
- ▶ Register in CCR as WOSB or EDWOSB
- ▶ Compile and upload all required documents to the repository
- ▶ Represent status in ORCA

Third Party Certification

- ▶ Register in CCR as WOSB or EDWOSB
- ▶ Obtain certification from an SBA-approved Third Party Certifier
 - *Note:* At this time, SBA has not approved any Third Party Certifiers
- ▶ Compile and upload all required documents to the repository
- ▶ Represent status in ORCA

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5 Steps to participate in the WOSB program

- 1 Read the WOSB Federal Contract program regulations in the Federal Register and the WOSB Compliance Guide
- 2 Register in Central Contractor Registration (CCR) as WOSB or EDWOSB
- 3 Log onto SBA's General Login System (GLS)
**Obtain an account now if you don't already have one*
- 4 Go to the WOSB program repository and upload / categorize all required documents
- 5 Represent your status in Online Representations and Certifications Application (ORCA)



1 Read the WOSB Federal Contract program regulations in the Federal Register and the WOSB Compliance Guide

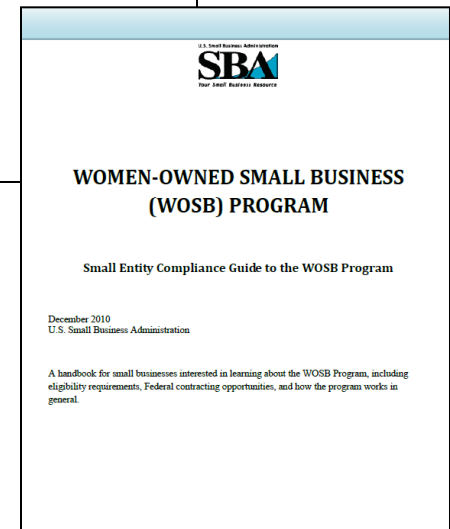
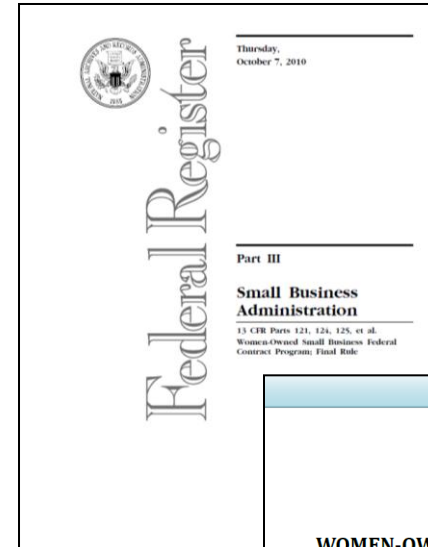
Read the WOSB Federal Contract program regulations in the Federal Register

- You can find the regulations at <http://www.sba.gov/sites/default/files/files/2010-25179.pdf>

Read the WOSB Compliance Guide

- It contains detailed information about the program, eligibility requirements and more
- You can find the Compliance Guide at www.sba.gov/wosb:
 - Under “WOSB Program Information”, click on “Compliance Guide for the WOSB Program”

Verify your firm meets all the WOSB program requirements



Available
now!

2 Register in CCR as WOSB or EDWOSB

What is the Central Contractor Registration (CCR)?

- CCR is an online government-maintained database of companies wanting to do business with the Federal government available at: <https://www.bpn.gov/ccr/default.aspx>

What do I need to do in CCR?

- To be eligible for a WOSB or EDWOSB set-aside you must check the WOSB or EDWOSB box, as appropriate
- You must meet all the requirements of a WOSB or EDWOSB to check the box

The screenshot shows the Central Contractor Registration (CCR) website. The header includes the title "Central Contractor Registration" and a navigation menu with links for "CCR Home", "CCR Search", "Federal Agency Registration", "News", "Release Notes", "Request Data Access", and "Help". Below the header is a secondary navigation bar with "Contractors", "Grantees", "International Registrants", "Small Businesses", "Security Notes", and "599,691 Active Registrants". The main content area is titled "Welcome to Central Contractor Registration (CCR)" and contains a "Log in to CCR" section with "User ID:" and "Password:" input fields, a "Log In" button, and links for "Forgot User ID" and "Forgot Password". There is also a "Create New Registration" section with a "Start New Registration" button and a link for "What You Need to Register International Registrants". A "Top Frequently Asked Questions" section is visible on the right side of the page.

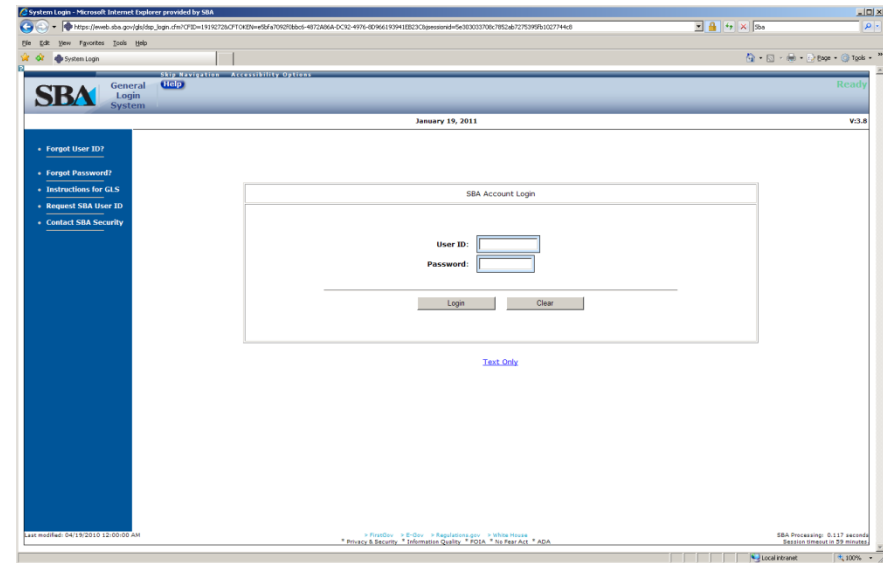
Available in
Spring 2011

Note: If this step is not available, you may skip this step and go to step #3

3 Log onto SBA's General Login System (GLS)

To participate in the WOSB program, **you must have a GLS account:**

- If you already have an account, log into your account at:
<https://eweb.sba.gov/gls>
- If you do not have an account:
 - Go to the same web address above
 - Click on “Instructions for GLS” for information on how to request an account
 - Go to “Request SBA User ID” to create an account
 - Then log into your GLS account



Available
now!

4 Go to the WOSB program repository and upload / categorize all required documents

What is the WOSB Repository?

- By statute, documents verifying a WOSB/EDWOSBs eligibility must be submitted to the contracting officer (CO)
- Rather than have WOSBs submit documents to the CO, the SBA has created a document warehouse
- A WOSB's documents in the repository can be accessed only by the WOSB, SBA and the CO (only if the firm gives the CO permission to access the documents).

How do I get to the repository?

- Once you are logged into GLS, click on "Women-Owned Small Business Program Repository"
- Instructions will be available on www.sba.gov/wosb on Feb. 4

What do I upload and categorize in the repository?

Self Certification

- ▶ Birth certificates, naturalization papers, unexpired passports to verify U.S. citizenship
- ▶ Copy of JV agreement (if applicable)
- ▶ Copy of WOSB/EDWOSB Certification (OMB approved form)
- ▶ DBA certificate
- ▶ Corporate information relating to verifying ownership by a woman or women
- ▶ EDWOSBs: All of above and SBA Form 413, Personal Financial Statement for each woman claiming economic disadvantage.

Available
Feb. 4

Third Party Certification

- ▶ Copy of Third Party Certification from an SBA Approved Third Party Certifier
- ▶ Copy of JV agreement (if applicable)
- ▶ Copy of WOSB/EDWOSB Certification (OMB approved form)

5 Represent your status in ORCA

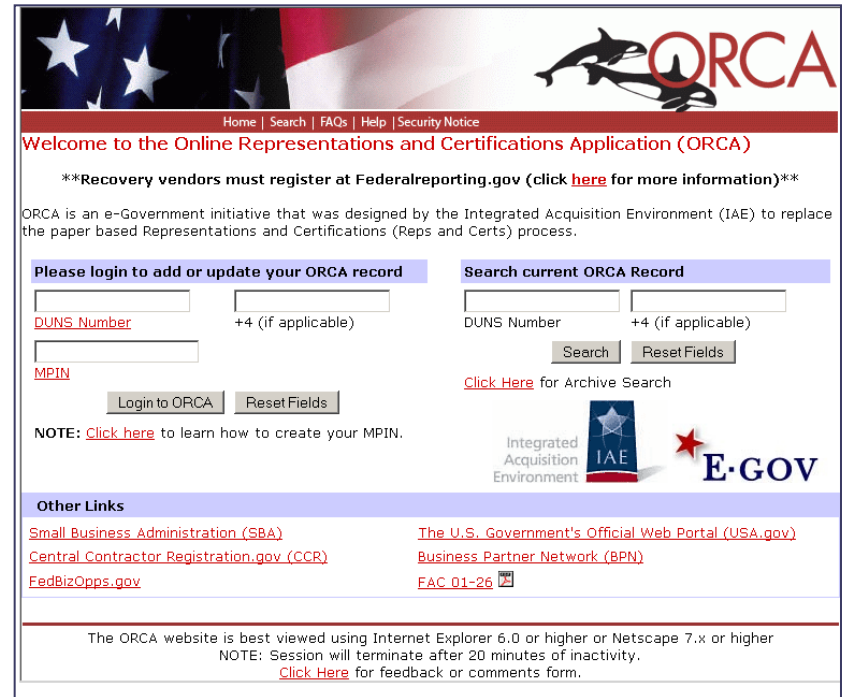
What is the Online Representations and Certifications Application (ORCA)?

- ORCA is the primary Government repository for contractor submitted representations and certifications required for the conduct of business with the Government available at:

<https://orca.bpn.gov>

What do I need to do in ORCA?

- Prior to submitting an offer for a WOSB or EDWOSB contract, you must represent your status in ORCA. Detailed instructions will be in the Federal Acquisition Regulation (FAR)



The screenshot shows the ORCA website homepage. At the top, there is a navigation bar with links for Home, Search, FAQs, Help, and Security Notice. Below this is a red banner with the text "Welcome to the Online Representations and Certifications Application (ORCA)". A notice states: "**Recovery vendors must register at Federalreporting.gov (click here for more information)**". The main content area is divided into two sections: "Please login to add or update your ORCA record" and "Search current ORCA Record". Each section contains input fields for DUNS Number and MPIN, along with "Login to ORCA" and "Reset Fields" buttons. A "NOTE" section provides a link to learn how to create an MPIN. The footer includes "Other Links" such as Small Business Administration (SBA), Central Contractor Registration.gov (CCR), FedBizOpps.gov, The U.S. Government's Official Web Portal (USA.gov), Business Partner Network (BPN), and FAC 01-26. A disclaimer at the bottom states: "The ORCA website is best viewed using Internet Explorer 6.0 or higher or Netscape 7.x or higher. NOTE: Session will terminate after 20 minutes of inactivity. Click Here for feedback or comments form."

Available in
Spring 2011

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4 Steps to compete for a WOSB federal contract

- 1 Make sure you have completed the steps to participate in the WOSB program
- 2 Identify federal contracting opportunities at the following resources:
 - FedBizOpps: <https://www.fbo.gov/>
 - SBA's Federal Business Opportunities page: <http://www.sba.gov/content/federal-business-opportunities>
- 3 Submit an offer for a contract
- 4 Grant the contracting officer access to your documents in the WOSB repository



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Reviews and Protests

SBA is committed to ensuring only eligible WOSBs benefit from the WOSB program; therefore, we utilize the following tools to ensure compliance with WOSB 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 set aside
- ▶ Only an interested party, SBA or a contracting officer may submit a protest
- ▶ A protest must be submitted to the contracting officer within certain timeframe
 - 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 non-compliant must remove their designation in CCR and ORCA and contracting officer shall not award them a contract

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Other Contracting Information - Nonmanufacturers

- Resellers/nonmanufacturers can submit an offer if the NAICS codes assigned to the requirement is in a designated industry and the nonmanufacturer meets the requirements in 13 C.F.R. § 121.406(b).
- The SBA did not designate any NAICS codes in sectors 42, 44, and 45 for contracting assistance under the WOSB Program because these NAICS codes cover wholesalers and retailers.
- Contracting officers cannot assign these NAICS codes to solicitations or contracts but must assign a solicitation or contract with the applicable manufacturing NAICS code (and then the provisions of the nonmanufacturer rule would apply to any offerors that are nonmanufacturers of the items being supplied).



Parity and the WOSB Program



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

#1

Small business, which includes HUBZone or 8(a) or SDVO SBC or WOSB/EDWOSB

#2

Full and open competition (unrestricted; not set aside for one of the five major small business prime contracting programs)

Procurements valued over \$150,000

#1

Consider HUBZone or 8(a) or SDVO SBC or WOSB/EDWOSB first

#2

Small business set aside

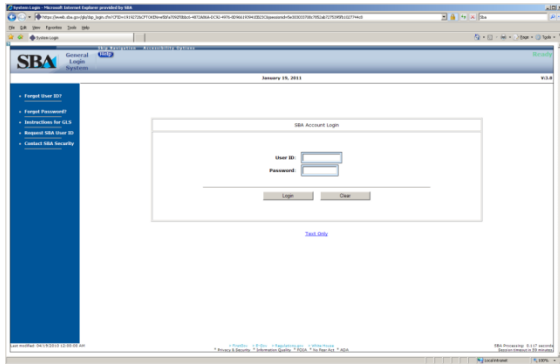
#3

Full and open competition (unrestricted; not set aside for one of the five major small business prime contracting programs)

To set-aside a contract for a WOSB/EDWOSB, contracting officers must have a GLS account and access to the WOSB program repository

SBA's General Login System (GLS)

- If you already have an account, log into your account at: <https://eweb.sba.gov/gls>
- If you do not have an account:
 - Go to the same web address above
 - Click on “Instructions for GLS” for information on how to request an account
 - Go to “Request SBA User ID” to create an account



WOSB program repository

- Once you are logged into GLS, click on the “Access” button on the top of the screen
- Under “Women Owned Small Business Program Repository”, check the “Federal Agency Contract Officer” box and press submit
- The SBA will approve your access; after you have been approved, the repository will be listed as one of your “Currently Available Applications”

To award a WOSB/EDWOSB set-aside, a contracting officer must make sure the apparent successful offeror submitted all required documents to the repository

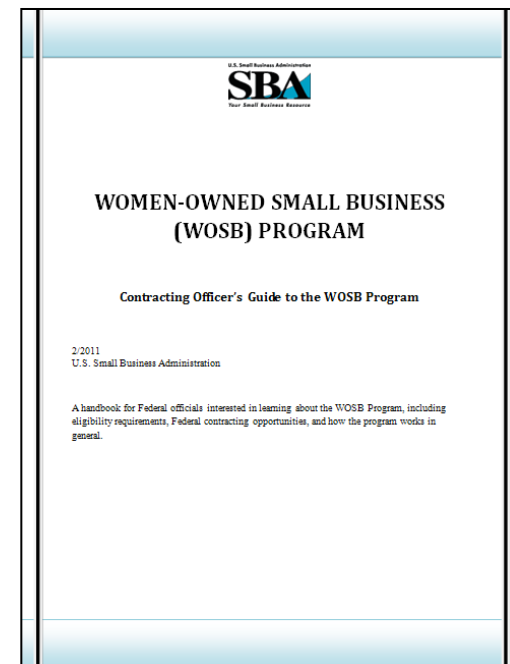
- In the WOSB program repository, contracting officers can search for a business through the “Business view” or “Solicitation View”

**Note: Contracting officers only have access to view documents of businesses that have granted them access*

- Verify the business submitted all required documents

**Note: There is a checklist of documents to look for in the Contracting Officer’s Guide*

A Contracting Officer’s Guide for the WOSB program will be available at www.sba.gov/wosb



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Resources and Q&A

There are a number of resources available to help answer questions about the WOSB program:

Visit our website: www.sba.gov/wosb

- ▶ You will find the latest information about the program on this site

Visit a local resource:

- ▶ Small Business District Offices
 - Find your local office at: <http://www.sba.gov/about-offices-list/2>
- ▶ Women's Business Centers
 - Find your local center at: <http://www.sba.gov/content/womens-business-centers>
- ▶ 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?