The Women-Owned Small Business (WOSB) Federal Contract Program

www.sba.gov/wosb



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Topics to Be Discussed

- WOSB Program Overview
- WOSB Eligibility Requirements
- WOSB Status Certification
- WOSB Set-asides and Sole Source Awards
- Certify.SBA.gov Overview
- WOSB Eligibility Examinations and Protests
- Resources
- Certify.SBA.gov Walkthrough



Overview of the WOSB Federal Contract Program

- The WOSB Federal Contract Program allows Contracting Officers (COs) to *set aside contracts* for WOSBs (including EDWOSBs) under certain conditions
- As of December 2015, it also allows COs to make *sole source awards* to WOSBs (including EDWOSBs) under specific circumstances



History of the WOSB 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 <u>83</u> based on the RAND report – <u>45</u> industries for WOSBs and <u>38</u> 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 <u>113</u> based on the new Department of Commerce Study. <u>36</u> new industries added to Program, <u>6</u> industries removed from Program, and <u>27</u> industries had designation changed (between WOSB and EDWOSB).



WOSB ELIGIBILITY REQUIREMENTS

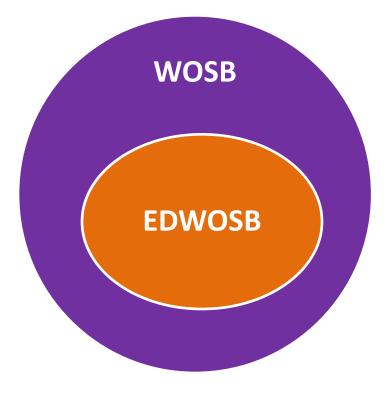
13 CFR § 127 Subpart B



WOSB and EDWOSB

- WOSB: Women-Owned Small Business
- EDWOSB: Economically Disadvantaged Women-Owned Small Business; WOSBs whose owner and/or manager claims economic disadvantage

EDWOSB is a subset of WOSB. As such, if you qualify as an EDWOSB, you automatically qualify as a WOSB.





Eligibility Requirements for WOSBs

To qualify as a WOSB, a business must meet the following requirements:

- 1. Meet small business size standard for primary NAICS code and contract
- 2. Ownership: At least **51% unconditionally and directly owned by** <u>one or more</u> <u>women</u> who are **U.S. citizens**
- 3. Control:
 - A woman must the **hold highest officer position** in the company.
 - The woman must have managerial experience required to run the company.
 - This woman must devote her full-time attention to the company **during normal working hours.**
 - The woman must make the **long-term decisions** for the business.
 - No minimum amount of time for the business to be operational.



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:
 - Equity in business and primary personal residence
 - Income from LLC or S Corp that was reinvested or used to pay taxes of business
 - Funds reinvested in retirement accounts if unavailable until retirement w/o penalty
 - 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 from LLC or S Corp reinvested or used to pay taxes of business if evidence is provided.
- □ 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

<u>Note:</u> 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 business if the following requirements are met

- Size: each concern is small under applicable size standard unless an SBA-approved MP JV;
- **EDWOSB/WOSB** must manage the joint venture;
- **EDWOSB/WOSB** employee must be project manager responsible for contract performance;
- □ EDWOSB/WOSB must own 51% of the JV;
- **EDWOSB/WOSB** must receive JV profits commensurate with work performed (at least 40%);
- □ Must have a special bank account in JV's name;
- □ Itemize all major equipment and facilities furnished by each party;
- □ Specify the responsibilities of the parties;
- □ Obligate all parties to ensure performance on the contract;
- □ Original records must be retained by the EDWOSB/WOSB managing venturer;
- Quarterly financial statements and final profit and loss statement must be submitted to SBA

Note: JV agreement must be submitted to CO.

SBA does **not** approve JV agreement but will adjudicate any protests!



WOSB STATUS CERTIFICATION

13 CFR § 127 Subpart C

Certify.SBA.gov



Ways to Qualify as WOSB or EDWOSB

Self Certification

with Supporting Docs

- Register in SAM
- Compile and provide documents to WOSB Repository
- Represent status as WOSB or EDWOSB in SAM

Third-Party Certification

with Supporting Docs

- Register in SAM
- Obtain certification from SBA-approved TPC
- Provide TPC certification to WOSB Repository
- Represent status as WOSB or EDWOSB in SAM

8(a) Certification

with Supporting Docs

- Register in SAM
- Obtain 8(a) certification from SBA
- Provide 8(a) certification to WOSB Repository
- Represent status as WOSB or EDWOSB in SAM

SBA does not certify businesses into the WOSB Program. As such, self-certified businesses will NOT receive a certification from SBA.



Step 1: Register in SAM

- The System for Award Management (SAM) is a registration system owned by GSA and located at <u>www.SAM.gov</u>
- 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: <u>DO NOT</u> represent as a WOSB or EDWOSB at this stage





Step 2: Provide documents to 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





Self-Certified – Documents (WOSB)

Corporation	LLC	Partnership	Sole Proprietorship	
Birth certificate, naturalization paper or unexpired passport of woman owner				
WOSB Program Certification (Completed online – equivalent to SBA Form 2413)				
Articles of incorporation	Articles of organization	Partnership agreement	DBA name certificate	
By-laws	Operating agreement			
Stock certificates				
Stock ledger				
Voting agreements, if any				
DBA name certificate, if applicable				
Joint venture agreement, if applicable				



Self-Certified – Documents (EDWOSB)

Corporation	LLC	Partnership	Sole Proprietorship	
Birth certificate, naturalization paper or unexpired passport of woman owner				
EDWOSB Program Certification (Completed online – equivalent to SBA Form 2414)				
Personal financial statement (Completed online – equivalent to SBA Form 413)				
Articles of incorporation	Articles of organization	Partnership agreement	DBA name certificate	
By-laws	Operating agreement			
Stock certificates				
Stock ledger				
Voting agreements, if any				
DBA name certificate, if applicable				
Joint venture agreement, if applicable				



Third-Party Certified - Documents



SBA accepts WOSB or EDWOSB certifications only from the following four entities:

- El Paso Hispanic Chamber of Commerce
- National Women Business Owners Corporation
- US Women's Chamber of Commerce
- Women's Business Enterprise National Council: WOSB only

No USDOT DBE or State certifications are accepted.



Corporation	LLC	Partnership	Sole Proprietorship
EDWOSB Program Certification (Completed online in Certify.SBA.gov)			
Initial 8(a) Approval Letter			
Most Recent Annual I	Review Letter from SBA	Ą	

Certifications of eligibility in the 8(a) BD Program also satisfy eligibility requirements for the WOSB Program and need no further clarifications.



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* representing 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 \blacksquare is, \square 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 ${f \square}$ is ${m \square}$ 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 efferor represents as part of its offer that: is not, a WOSB the required documents to the Check these boxes as appropriate to decisions have been issued that indicate WOSB/EDWOSB status (ii) It is 🗹 is not, a 127, and the representatig the WOSB concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the venture:] Each WOOB concern p copy of the WOSP representation EDWOSBs should check both boxes, (5) Economically disady integed women-c offeror represented itself as a women-ow since all EDWOSBs are also WOSBs (b)(4) of this provision] The offeror repre 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) R^{\Box} is \overline{C} 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.



WOSB SET-ASIDES AND SOLE SOURCE AWARDS

13 CFR § 127 Subpart E



Requirements for WOSB and EDWOSB Set-Aside Contracts

	WOSB	EDWOSB	
Industries	 NAICS code assigned to contract solicitation is in an industry in which WOSBs are substantially underrepresented (92 Industry Groups – 365 NAICS Codes) 	 NAICS code assigned to contract solicitation is in an industry in which WOSBs are underrepresented (21 Industry Groups – 80 NAICS Codes) 	
Rule of two	 Contracting officer has reasonable expectation that 2 or more WOSBs will submit an offer 		
Award price	• Contract must be awarded at fair market	price	

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

EDWOSB is a subset of WOSB. As such, all EDWOSBs are allowed to compete for WOSB set-asides but not vice versa.



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?

WOSB Program is <u>NOT</u> a business development program. As such, there is no statutory authority to make a direct award. Agencies are required to prepare and approve J&A.



CERTIFY.SBA.GOV - SBA CERTIFICATION PORTAL



- SBA's new certification portal where businesses can submit documents to seek SBA certifications
- WOSB Repository was migrated from GLS to Certify.SBA.gov in March 2016. GLS was disabled.
- All existing WOSBs/EDWOSBs in the WOSB Repository that have updated their content since 1 October 2014 have had their information migrated to new Repository
- Any firms that did not update after Oct 2014 will need to resubmit as if new
- Pulls business information from SAM.gov
- SBA plans to add other certification programs to certify.SBA.gov in the future



Certify.SBA.gov – WOSB

- Forms are completed online No longer required to upload WOSB Program Certifications (SBA Forms 2413 and 2414) and Personal Financial Statement (SBA Form 413)
- Certification questions are filtered by business organization
- Must complete WOSB or EDWOSB certification questionnaire (or application) and add documents to the question when prompted – To be reviewed by CO when in line for award
- Only owner/officer authorized to certify on behalf of company should create account



Certify – Home Page

certify.SBA.gov

Home Prepare Am I eligible? Help Login



Click here to log in after business is associated with SAM Welcome to certify.SBA.gov Login Click here to Or The U.S. Small Business Administration (SBA) is working to m associate application process for federal contracting programs. Manage Get started eligibility documentation for the WOSB and All Small Mentorbusiness Federal government employees: online from our easy-to-use dashboard. Get started today! with SAM Login or create an account

New Features

Am I Eligible?

Upcoming Activities



Certify – Help Page

Home Prepare Am I eligible? Help Login

Help and Frequently Asked Questions (updated 2 Dec 2016)

Privacy Notice

SBA requires that only the qualified Business Owners apply and maintain the information required to participate in our contracting programs. The qualifying Business Owner will be required to electronically sign applications, asserting that the information is correct and that the Owner is authorized to enter into legal agreements with the Federal Government. Your business profile may contain sensitive business and personal information that should not be shared with others.

What is certify.SBA.gov?

Certify.SBA.gov allows Women-Owned Small Businesses (WOSBs) and Economically Disadvantaged Women-Owned Small Businesses (EDWOSBs) to more easily manage eligibility documents for the WOSB Federal Contract Program. More functionality will be added as other programs, such as the All Small Mentor Protégé Program, 8(a) Business Development (BD) Program, and the Historically Underutilized Business Zone (HUBZone) Programs are introduced into the system.

I am a contracting officer, how do I verify a WOSB firm's eligibility?

The contracting officer functionality is now available. Click the "government signup/le the <u>Contracting Officer User Guide</u> for step by step instructions.

What is "self-certification"?

Self-certification for the WOSB Federal Contract Program means the WOSB and/or EDU THIST CECTORS Third Party Certifier, has completed all requirements required by SBA at **certify.SBA.gov** and uploaded all the required documents for the WOSB program for their business type. The firm must be registered in SAM.gov



Enhanced User Functionality - 20 Sep 2016

- Add more users to manage your business profile
- Improved document upload process
- Enhanced overall design

System Notifications

28-Nov-16 RESOLVED 3rd Party Certification Upload

Additional Resources

<u>Vendor Admin User Guide</u> Release 2, v2.6 (updated 2 Dec 2016)

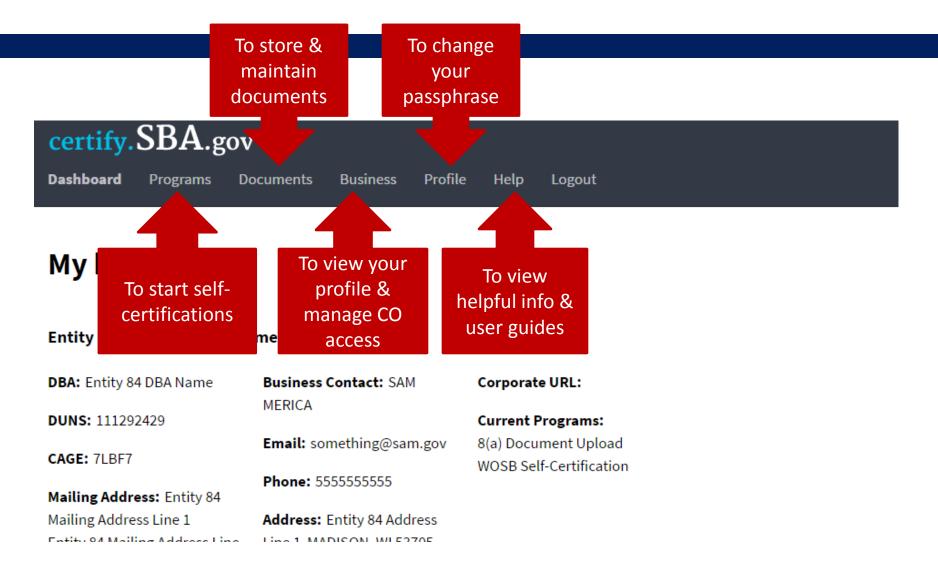
Contracting Officer User Guide

New! Common error notices - What do they mean?





Certify Dashboard



SBBA U.S. Small Business Administration



Certify - Programs

Join a new program

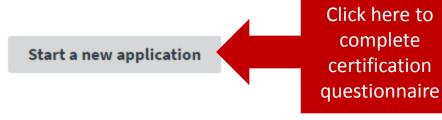
You may only have one active WOSB application and one active EDWOSB application. You may have up to two active All Small MPP applications. If you need to make edits or changes to a submitted application, please contact the respective program office to release your application back to you: <u>wosb@sba.gov</u>, <u>AllSmallMpp@sba.gov</u>

All Small Mentor-Protégé Program (Review requirements)

🔵 8(a) Document Upload

Woman Owned Small Business (WOSB) Program (Review requirements)

Economically Disadvantaged Woman Owned Small Business (EDWOSB) Program (<u>Review</u> <u>requirements</u>)





WOSB Application Program Certification

Answering the following questions online is equivalent to completing forms 2413 (WOSB) or 2414 (EDWOSB). Form ExpirationDate Date: 11/30/2017

All small businesses that are interested in submitting an offer on a solicitation that has been set aside for Women-Owned Small Businesses (WOSB) and Economically Disadvantaged Women-Owned Small Businesses (EDWOSB) under the WOSB Program must complete this certification prior to submitting the offer. This includes checking all boxes presented and having an authorized officer of the woman-owned small business or economically disadvantaged woman-owned small business electronically sign and date the certification. You must upload all other required documents as indicated here-in to the WOSB Program Repository. For questions, please e-mail <u>wosb@sba.gov</u>.

Please read the following certification statements. The Federal government relies on the information in this form and any documents or supplemental information submitted to determine whether the business is eligible for a contract authorized under the WOSB Program. The definitions for the terms used in this certification are set forth in the Small Business Act, U.S. Small Business Administration (SBA) regulations (13 C.F.R. Part 127), and also any statutory and regulatory provision referenced in those authorities. In addition, please note that the SBA may request further clarification or supporting documentation in order to assist in the verification of any of the information provided and that each person signing this certification may be prosecuted if they have provided false information. Any action taken with respect to this certification does not affect the Government's right to pursue criminal, civil or administrative remedies for incorrect or incomplete information given, even if correct information has been included in other materials submitted to SBA.

Click here to continue.

Accept



Certify - Programs

Prior Certifications

8(a)

Third Party Certification

Third Party

Changes in Eligibility

Non-qualification

Business

Corporation & S-Corp

Partnership

LLC

Control

Citizenship

Ownership

Management

SBA Exam

Review

Signature

8(a)

Is the qualifying individual(s) currently certified by the U.S. Small Business Administration as an 8(a) Business Development (BD) Program Participant and does this woman own at least 51% of the business?



If the qualifying individual is not currently an

se select "No". If the

qualifying individual was already approved by the 8(a) BD Program and at least 51% of the business is held by women, you are eligible for the WOSB Program as an EDWOSB and you will skip forward to the "Review" section of this application. Please upload your original 8(a) Acceptance Letter and your most recent Annual Review Letter.

If the qualifying individual is both 8(a) and Third-Party Certified, upload the documentation for both certifications.

Continue



Prior Certifications

Third Party Certification

Third Party

Business

Partnership

Citizenship Ownership

Management SBA Exam Review

Signature

LLC

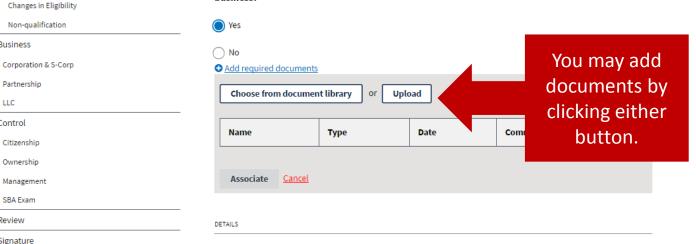
Control

8(a)

Certify - Programs

8(a)

Is the qualifying individual(s) currently certified by the U.S. Small Business Administration as an 8(a) Business Development (BD) Program Participant and does this woman own at least 51% of the business?



If the qualifying individual is not currently an 8(a) BD Program Participant, please select "No". If the qualifying individual was already approved by the 8(a) BD Program and at least 51% of the business is held by women, you are eligible for the WOSB Program as an EDWOSB and you will skip forward to the "Review" section of this application. Please upload your original 8(a) Acceptance Letter and your most recent Annual Review Letter.

If the qualifying individual is both 8(a) and Third-Party Certified, upload the documentation for both certifications.



Certify - Documents

My document library

To store & maintain your documents but CO has no visibility of the documents

Search:

Display:

10∨

Document Name	Document Type	Status (Double-click on status to edit. Enter 'active' or 'inactive'.)	Date Created	Comments (Double-click on comment to edit)	Action 🖨
Certify.sba.gov - User Guide - VT Changes_LMF.pdf	8a Document (Interim)	active	2016-12-15 19:40:25 UTC	Taxes 2016	<u>View</u>
GCBD - SBA One (Sample .pdf Forms for 8(a) Application in BDMIS).pdf	8a Document (Interim)	active	2016-12-15 19:40:59 UTC	Tax 2014	<u>View</u>

Document 1 through 2

Previous

Next

1



Certify - Business



Business profile

Entity 84 Legal Business Name

DBA: Entity 84 DBA Name Mailing Address: Entity 84 Mailing Address Line 1 Entity 84 Mailing Address Line MADISON, WI 53705-2254

Business Contact: SAM MERICA

Email: something@sam.gov

Phone: 5555555555

Address: Entity 84 Address Line 1 MADISON, WI 53705-2254

Corporate URL:

Current Programs:

8(a) Document Upload WOSB Self-Certification

More details

2



Certify - Profile

Edit passphrase

Edit passphrase

John X

FIRST NAME: John

LAST NAME: X

EMAIL: john@mailinator.com

PHONE:

Edit passphrase



WOSB ELIGIBILITY EXAMINATIONS AND PROTESTS

13 CFR § 127 Subparts D, F & G



Eligibility Exams 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

Any WOSB/EDWOSB found to be ineligible *must remove* designation in SAM; CO *shall not award* the contract

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 Appeals.



Visit the SBA's website: www.sba.gov/wosb

- For questions on the WOSB program, email wosb@sba.gov
- For technical questions on the WOSB Program Repository, please email <u>certify@sba.gov</u>



Resources and Q&A

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

Visit a local resource:

- > Procurement Center Representative (PCR) Directory
 - Find your local PCR at: <u>https://www.sba.gov/contracting/resources-small-businesses/pcr-directory</u>
- Small Business Administration District Offices
 - Find your local office at: <u>https://www.sba.gov/tools/local-assistance/districtoffices</u>
- Women's Business Centers
 - Find your local center at: <u>https://www.sba.gov/tools/local-assistance/wbc</u>
- Procurement Technical Assistance Centers
 - Find your local center at: <u>http://www.aptac-us.org</u>
- Small Business Development Centers
 - Find your local center at: <u>http://americassbdc.org/home/find-your-sbdc/</u>
- SCORE (Service Corps of Retired Executives)
 - Find your SCORE office at: <u>https://www.score.org/</u>

Call the SBA Answer Desk: 1-800-U-ASK-SBA (1-800-827-5722)

