

Powering Up the Women's Procurement Program

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A Brief History of the WOSB Program

- ★ In 2000, Public Law 106-554 established a women's procurement program to assist the government in meeting its 5% women-owned small business (WOSB) contracting goal.
- ★ In 2007, a rule was proposed by the administration which included WOSBs in only 4 industry categories and required agencies to find past discrimination towards women-owned businesses.
- ★ March 2010, the SBA released a revised proposed rule expanding the eligible NAICS codes to 83 industries.
- ★ October 2010, the SBA released the final program, *which began implementation on February 4th, 2011.*



How the WOSB Program Works

The **WOSB Federal Contract Program** allows contracting officers to restrict competition to WOSBs if:

- ★ The anticipated award price of the contract does not exceed **\$6.5 million** in the case of manufacturing contracts and **\$4 million** in the case of all other contracts.
- ★ The contracting officer believes the contract can be awarded at a fair and reasonable price.



How the WOSB Program Works

The WOSB Federal Contract Program allows contracting officers to restrict competition to WOSBs if:

- ★ The contracting officer has a reasonable expectation that two or more WOSBs will submit offers on a contract.
- ★ The WOSB fits into 83 qualifying Industry Groups, representing over 300 six-digit industry NAICS Code categories.

Note: Contracts can be set-aside for WOSBs, but cannot be sole sourced.



How the WOSB Program Works

The 83 qualifying Industry Groups are based on four-digit NAICS codes:

- ★ 38 industries are determined “Substantially Underrepresented”
 - If the industry is “substantially underrepresented,” all women-owned small businesses (**WOSBs**) can participate.

- ★ 45 industries are determined “Underrepresented”
 - If the industry was classified as “underrepresented,” the business must certify as an “economically disadvantaged” women-owned small business. (**EDWOSB**)



WOSB Program Eligibility

- ★ Must be a small business; SBA size standards apply.
- ★ Must be a women-owned and controlled firm: 51% or more owned by one or more women
 - Ownership must be direct
 - Ownership cannot be subject to conditions
 - Woman must manage the day-to-day operations
 - Woman must make long term decisions
- ★ Must certify as WOSB or EDWOSB.



WOSB Program Eligibility

To qualify as EDWOSB, the owner must meet certain thresholds:

- ★ Personal net worth (less than \$750,000)
- ★ 3 Year Average AGI (not to exceed \$350,000)
- ★ Fair market value of all of her assets (not to exceed \$6 million)



The WOSB Program Repository

Things You Need:

- ★ Proof of US Citizenship
- ★ Articles of Incorporation, Articles of Organization and Amendments
- ★ Operating Agreement, By-Laws, Stock Certificates, Stock Ledger and Voting Agreements
- ★ Partnership Agreement and Amendments
- ★ WOSB Program Certification
- ★ BA Form 413 – Personal Financial Statement (EDWOSBs only)



GETTING STARTED

- ★ Are you properly qualified as:
 - ★ WOSB
 - ★ EDWOSB

- ★ Is your industry:
 - ★ Underrepresented or
 - ★ Substantially underrepresented



UNDER-REPRESENTED: EDWOSB AWARDS

NAICS	DESCRIPTION	NAICS	DESCRIPTION
2213	Water, Sewage & Other Systems	3219	Other Wood Product Manufacturing
2361	Residential Bldg Construction	3222	Converted Paper Product Manufacturing
2371	Utility System Construction	3321	Forging and Stamping
2381	Foundation, Structure & Bldg. Exterior Contractors	3323	Architectural and Structural Metals Manufacturing
2382	Building Equipment Contractors	3324	Boiler, Tank and Shipping Container Manufacturing
2383	Building Finish Contractors	3345	Navigational, Measuring, Electro-medical & Control Instruments Manufacturing
2389	Other Specialty Trade Contractors	3346	Manufacturing & Reproducing Magnetic and Optical Media
3149	Other Textile Product Mills	3353	Electrical Equipment Manufacturing
3159	Apparel Accessories and Other Apparel Manufacturing	3359	Other Electrical Equipment and Component Manufacturing



UNDER-REPRESENTED: EDWOSB AWARDS

NAICS	DESCRIPTION	NAICS	DESCRIPTION
3369	Motorcycle, Bicycle and Parts Manufacturing	5414	Specialized Design Services
4842	Specialized Freight Trucking	5415	Computer Systems Design & Related Services
4881	Support Activities for Air Transportation	5416	Management, Scientific & Technical Consulting Services
4884	Support Activities for Road Transportation	5419	Other Professional, Scientific & Technical Services
4885	Freight Transportation Arrangement	5611	Office Administrative Services
5121	Motion Picture and Video Industries	5612	Facilities Support Services
5311	Lessors of Real Estate	5614	Business Support Services
5413	Architectural, Engineering & Related Services	5616	Investigation and Security Services



UNDER-REPRESENTED : EDWOSB AWARDS

NAICS	DESCRIPTION	NAICS	DESCRIPTION
5617	Services to Building and Dwellings	7223	Special Food Services
6116	Other Schools and Instruction	8111	Automotive Repair and Maintenance
6214	Outpatient Care Centers	8113	Commercial and Industrial Machinery & Equipment (Except Automotive and Electronic) Repair & Maintenance
6219	Other Ambulatory Health Care Services	8114	Personal and Household Goods Repair and Maintenance
7115	Independent Artists, Writers and Performers		



SIGNIFICANTLY UNDER-REPRESENTED: WOSB AWARDS

NAICS	DESCRIPTION	NAICS	DESCRIPTION
2372	Land Subdivision	3391	Medical Equipment and Supplies Manufacturing
3152	Cut and Sew Apparel Manufacturing	4841	General Freight Trucking
3231	Printing and Related Support Activities	4889	Other Support Activities for Transportation
3259	Other Chemical Product and Preparation Manufacturing	4931	Warehousing and Storage
3328	Coating, Engraving, Heat Treating and Allied Activities	5111	Newspaper, Periodical, Book and Directory Publishers
3329	Other Fabricated Metal Product Manufacturing	5112	Software Publishers
3371	Household & Institutional Furniture & Kitchen Cabinet Manufacturing	5171	Wired Telecommunication Carriers
3372	Office Furniture (including Fixtures) Manufacturing	5172	Wireless Telecommunication Carriers (Except Satellite)



SIGNIFICANTLY UNDER-REPRESENTED: WOSB AWARDS

NAICS	DESCRIPTION	NAICS	DESCRIPTION
5179	Other Telecommunications	5417	Scientific Research and Development Services
5182	Data Processing, Hosting & Related Services	5418	Advertising, Public Relations and Related Services
5191	Other Information Services	5615	Travel Arrangement and Reservation Services
5312	Offices of Real Estate Agents and Brokers	5619	Other Support Services
5324	Commercial and Industrial Machinery & Equipment Rental and Leasing	5621	Waste Collection
5411	Legal Services	5622	Waste Treatment and Disposal
5412	Accounting, Tax Preparation, Bookkeeping and Payroll Services	6114	Business Schools and Management Training



SIGNIFICANTLY UNDER-REPRESENTED: WOSB AWARDS

NAICS	DESCRIPTION	NAICS	DESCRIPTION
6115	Technical and Trade Schools	7211	Traveler Accommodation
6117	Educational Support Services	8112	Electronic and Precision Equipment Repair and Maintenance
6242	Community Food and Housing, Emergency and Other Relief Services	8129	Other Personal Services (Pet Care, non-vet), Photofinishing Labs, Parking Lots/ Garages, Other
6243	Vocational Rehabilitation Services	8139	Business, Professional, Labor, Political and Similar Organizations



GETTING STARTED: WOSB CERTIFICATION

- ★ Woman-owned businesses may either self-certify or certify through third parties approved by SBA.
- ★ If a WOSB chooses to obtain third-party certification, they must obtain certification from SBA-approved third-party certifiers. At this time, SBA has not approved any third party certifiers.
- ★ Steps for self-certification are posted on www.sba.gov/wosb. Third-party certifiers will also be listed here when they are approved.



WOSB Self-Certification

The SBA's 5 Steps to participate in the WOSB program:

- ★ Go to: www.sba.gov/wosb.
- ★ Read the WOSB Federal Contract program regulations in the [Federal Register](#) and the [WOSB Compliance Guide](#).
- ★ Register in [Central Contractor Registration](#) (CCR) as WOSB or EDWOSB.
- ★ Register and Log onto SBA's [General Login System](#) (GLS).
- ★ Go to the WOSB program repository (through GLS) and upload / categorize all required documents.
- ★ Represent your status in [Online Representations and Certifications Application](#) (ORCA).

Source: www.sba.gov/wosb



WOSB Self-Certification

The WOSB Program Repository

- ★ Document Repository Maintained by SBA
- ★ Houses WOSB/EDWOSB Supporting Documentation and Third Party Certifications
- ★ A Secure, Web-Based Environment
- ★ Accessible to WOSBs, EDWOSBs, the SBA and the Contracting Officer Community
- ★ Allows Contracting Officer to Access Documents Prior to Contract Award



Specific Contracting Questions

1. How will a WOSB set-aside be created by an Agency?

- ★ The CO identifies NAICS Code in industry where WOSB's are "substantially under-represented"
- ★ CO has reasonable expectation that two or more WOSB's will submit offers
- ★ CO anticipates award price of:
< \$6.5 million (manufacturing) < \$4 million (all others)
- ★ CO believes contract award will be at fair/ reasonable price



Specific Contracting Questions

2. How will a EDWOSB set-aside be created by an Agency?

- ★ The CO identifies NAICS Code in industry where WOSB's are "underrepresented"
- ★ CO has reasonable expectation that two or more WOSB's will submit offers
- ★ CO anticipates award price
< \$6.5 million (manufacturing) < \$4 million (all others)
- ★ CO believes contract award at fair/ reasonable price



WHY THE DISTINCTION?

1. Purpose of program:

- a. Remedy past discrimination
- b. Create opportunities

2. WOSB's "substantially under-represented"

- Industries require broader contracting mechanisms
- Contracting opportunities open to all WOSB's

3. Industries where WOSB's "under-represented"

- Better historical participation of WOSB's
- But still needing limited contracting opportunities
- Thus restricted to "Economically Disadvantaged" WOSBs



Specific Contracting Questions

3. How will I know about WOSB/EDWOSB opportunities?

- ★ Certain solicitations will be custom designed for WOSB and EDWOSB participation
- ★ Work with your federal agency OSDBU's to be visible on potential bidder lists
 - ★ Presence identification
 - ★ Notice of upcoming opportunities
 - ★ Requests to bid
 - ★ FEDBIZOPPS



Specific Contracting Questions

4. How will a contracting officer know I'm eligible for a WOSB/EDWOSB contract?

- ★ The CO will check:
 - ★ CCR to ensure you have checked the box for WOSB or EDWOSB
 - ★ ORCA to ensure there is a representation the business is WOSB/EDWOSB
 - ★ Documents in the repository to make sure they are all present for eligibility verification



Specific Contracting Questions

5. How much of an 8(m) contract must my company self-perform?

- ★ Service Contracts
 - 50% of contract cost for personnel with your own employees
- ★ Supply Contracts (manufacturer)
 - 50% of manufacturing cost (excluding materials)
- ★ General Construction
 - 15% of contract cost with your own employees (excluding materials)
- ★ Specialty Construction
 - 15% of contract cost with your own employees (excluding materials)



Specific Contracting Questions

6. Can I joint venture?

★ Only:

★ With another small business, if

- The combined size of the two companies does not exceed “small” thresholds, and
- The WOSB or EDWOSB participant is designated on CCR and ORCA and
- The Joint Venture agreement is in acceptable written form



Specific Contracting Questions

7. Can I participate under the mentor/protégé program?

- ★ Not yet, unless
- ★ EDWOSB already certified under 8(a) program or
- ★ Contracting with certain agencies which have individually authorized WOSB/EDWOSB Mentor/Protégé programs
- ★ These include the following Departments:
Defense, Energy, Homeland Security, Veterans Affairs, Treasury, EPA, NASA, GSA, EPA, & International Development)



Specific Contracting Questions

8. Where can I obtain more information locally?

A. Small Business District Offices:

<http://www.sba.gov/about-offices-list/2>

B. Women's Business Centers:

<http://www.sba.gov/content/womens-business-centers>

C. Small Business Development Centers:

<http://www.asbdc-us.org/>

D. Procurement Technical Assistance Centers:

<http://www.aptac-us.org/new/>



How Do I Learn More?

- ★ The SBA's website has a page devoted to updates and resources for the WOSB program at: www.sba.gov/wosb.
- ★ **Give Me 5**, a program created in partnership between WIPP and American Express OPEN, provides business education tools and ongoing webinars for women-owned small businesses in federal contracting. Visit www.GiveMe5.com for more details.



What More Can I Do?

- ★ Work with your local and national Women Business Organizations
 - ★ Agency Contacts
 - ★ Elected official meetings
 - ★ Tracking personal success stories
 - ★ Jobs created
 - ★ Economic Development successes





- ★ National nonpartisan public policy organization that advocates for and on behalf of women-owned businesses, strengthening their voice in the legislative process and creating economic opportunities.
- ★ Representing over half a million Women Business Owners including over 50 business organizations.
- ★ WIPP Members participate in Legislative Issue Committees and Local Instant Impact Teams.

**For more information about WIPP,
visit www.WIPP.org or call (415)434-4314**

