

Government Contracts Reporter - Report Letter, 2104, GOVERNMENT CONTRACTS REPORTS

GOVERNMENT CONTRACTS REPORT LETTER HIGHLIGHTS, No. 2104, April 13, 2011

•[FAC Implements Women-Owned Small Business Program](#)

FAC Implements Women-Owned Small Business Program

The Civilian Agency Acquisition and Defense Acquisition Regulations Councils have issued [Federal Acquisition Circular 2005-51](#), which contains one interim rule and one final rule amending the Federal Acquisition Regulation. Item I contains an interim rule that addresses the Women-Owned Small Business Program (FAR Case 2010-015). This rule carries an April 1, 2011, effective date, and comments, identified by the FAR case number, are due by May 31, 2011. The Item II final rule covers [Standard Form 26—Award/Contract](#) (FAR Case 2009-029) and goes into effect May 2, 2011. The FAC also contains a Small Entity Compliance Guide. For the text of [FAC 2005-51](#), see [§170,002.131](#).

WOSB Program

An interim rule, FAR Case 2010-015, amends the FAR to implement changes to the Small Business Administration regulations at [13 CFR Part 127](#), entitled "Women-Owned Small Business Federal Contract Program," and implements procedures that were authorized by the Small Business Act (PL 85-536, as amended), which helped to level the "procurement playing field" to enable small business concerns, including women-owned small business concerns and economically disadvantaged women-owned small business concerns, to compete for federal contracting opportunities. This interim rule adds a new FAR Subpart 19.15 to incorporate coverage of the WOSB program. The rule also adds two new corresponding contract clauses at [FAR 52.219-29](#), Notice of Total Set-Aside for Economically Disadvantaged Women-Owned Small Business (EDWOSB) Concerns, and [FAR 52.219-30](#), Notice of Total Set-Aside for Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program. To qualify as a WOSB concern eligible under the WOSB Program, the concern must be a small business as defined in [SBA Part 121](#) in its primary industry classification, and not less than 51 percent directly and unconditionally owned by, and the management and daily operations controlled by, one or more women who are United States citizens (see revised [FAR 2.101](#)). To qualify as an EDWOSB concern, the concern must meet the same requirements as a WOSB and the women owners and managers must be economically disadvantaged. A woman is economically disadvantaged if she can demonstrate certain income, asset, and other limitations established in SBA regulations. The rule also provides a protest process and procedures for interested parties to challenge the size and status of a WOSB or EDWOSB concern. However, a protest of the size and status does not preclude the contracting officer from awarding the contract. The FAC regulation table below contains a full listing of the regulations impacted by this rule.

SF 26