

**Article on the Women
Owned Small Business
Repository By:**

Small Business Liaison

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It is a well-known fact that there has been a movement to give Women owned Small Business (WOSB) a fair shake within the realm of Government contracting. The recent implementation of the Government set-asides for Woman Owned Small Businesses and the creation of the Women Owned small Business Repository is a big step in the right direction. The following information was provided by the Small Business Administration Georgia District Office Charlotte Johnson, Business Development Specialist 404-331-0100 ext. 405 Charlotte.johnson2@sba.gov at the Match Maker held in Atlanta GA. The Matchmaker was organized by ShoWorks a WOSB owned and operated by Cathy Doerr, ShoWorks Inc 509-838-8755 fax 509-838-2838 cdoerr@showworksinc.com www.allianceforbiz.com

For detailed up to date and accurate information regarding the promotion sustainment and support of Woman Owned small Businesses fell free to contact them my self or your local WBNC representative.

The Women-Owned Small Business (WOSB) program authorizes contracting officers to **set aside certain federal contracts** for Women-owned small businesses (WOSBs), and Economically disadvantaged women-owned small businesses (EDWOSBs). The **impact of this program levels the playing field for WOSBs** to compete for and win federal contracts. It **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) and Ultimately, the program helps **create and maintain a level playing field for women owned small businesses within the Federal procurement field.**

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

- Meet small business size standard for primary NAICS code and contract
- NAICS code assigned to solicitation, IFB or quote is in an industry in which WOSBs are substantially underrepresented. *(38 4-digit NAICS designated) (45 4-digit NAICS designated)* A complete list of applicable NAICS codes found at www.sba.gov/wosb
- Or they can use the Rule of Two: Which states that the Contracting officer has reasonable expectation that 2 or more WOSBs or EDWOSB's will submit an offer. It should be noted that ALL EDWOSB's are considered WOSB's but not ALL WOSB's are EDWOSB.

- Anticipated award price including options does not exceed the statutory thresholds of \$5M for manufacturing or \$3M for other contracts
- Contract can be awarded at fair market price
- 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

► For EDWOSB's

- Same requirements as WOSBs 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
- There is no sole source award for this program
- How Much Work you must Perform:
 - There is no mentor protégé program at this time
- WOSB/EDWOSB can self certify its status in its offer and contract, they must also provide documents to support self certification
- WOSBs and EDWOSBs must perform a certain % of the work referred to as "limitations on subcontracting"
- Service Contracts** – you must perform at least 50% of the cost of the contract for personnel with its own employees
- Supply Contracts** – (if you are the manufacturer) you must perform at least 50% of the cost of manufacturing the supplies or products (not including the cost of material).

- General Construction** – you must perform at least 25% of the cost of the contract with your own employees (not including cost of materials).

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
- DWOSB/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 can meet subcontracting limitations

❖ **Note: Joint venture agreement does not have to be approved by SBA**

What you should do now: **Learn about federal contracting**

SELF Certify By doing the following: This is a Free, No Cost Process

- Register in CCR as WOSB or EDWOSB
- Compile and upload all required documents to the repository
- Represent status in ORCA

❖ **BE AWARE that at this time: SBA has not approved any Third Party Certifiers**

The following is a list of documents needed to be compiled and uploaded into the repository

- Birth Certificate, Naturalization papers, or unexpired passports for owners who are women
- Copy of joint venture agreement, if applicable

▶ **For Limited Liability Companies:**

- Articles of organization(also referred to as certificate of organization or articles of formation) and any amendments and
- Operating agreements and any amendments For Corporations: Articles of Incorporation and any amendments Operating Agreements, and any amendments

▶ **For Corporations:**

- Articles of Incorporations and any amendments

- By Laws and any amendments
- All issued stock certificates, including the front and back copies, signed in accordance with the by-laws
- Stock ledger,
- Voting agreement, if (any)
- ▶ **For Partnerships**, the partnership agreement and any amendments
 - The assumed fictitious name (doing business as) certificates
 - A copy of the WOSB Program Certification – WOSB only

For EDWOSB in addition to the above, SBA Form 413, Personal Financial Statement, available at <http://www.sba.gov/tools/Forms/index.html>, for each woman claiming economic disadvantage

REVIEWS

- ▶ SBA will conduct regular reviews of firms who have self-certified and/or 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
- ▶ SBA is to notify a firm with 5 business days before commencing an examination. However, SBA may conduct a site visit without prior notification
- ▶ If SBA determines that a firm does not qualify as a WOSB/EDWOSB, it will receive a written decision, and firm must remove its WOSB/EDWOSB designation from CCR and ORCA within 5 days.
- ▶ **PROTESTS**
 - Only an interested party, SBA or a contracting officer may submit a protest
 - A protest must be submitted to the contracting officer within a certain time frame
 - 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

Read the regulations for the WOSB Federal Contract program and the WOSB Compliance Guide

- Be sure your firm meets the requirements for the program
- The regulations and Compliance Guide are available at: www.sba.gov/wosb
- Obtain an account for SBA's General Login System (GLS)** If you don't have an account already, you can obtain one at: <https://eweb.sba.gov/gls>

- ❑ Visit a local SBA office, or Go to SBA's Federal Business Opportunities page:
<http://www.sba.gov/content/federal-business-opportunities>

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

Visit the SBA 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)