



The New Women Owned Small Business Rules

James F. Nagle
Oles Morrison Rinker & Baker LLP

www.oles.com
nagle@oles.com

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BAKER LLP

SBA Finalizes Women-Owned Small Business Rule

- Eighty-three industries in which women are under or substantially underrepresented
- Set-asides authorized
- Announced October 7, 2010
- Effective February 4, 2011

WOSB Implementation

- FAC 2005-51, April 2011
- New FAR Subpart 19.15
- New clauses
 - 52.219-29, Notice of Total Set Aside for EDWOSBs
 - 52.219-30, Notice of Total Set Aside for WOSBs

Contents of FAR 19.15

- Status
 - In accordance with 13 C.F.R. Part 127
 - Contracting Officer shall verify
 - Registration in CCR
 - Self-certified in ORCA
 - Has submitted documents verifying eligibility at the time of initial offer to the WOSB program repository
 - Additional documents

FAR Subpart 19.1503 (c)

- (c)(1) An EDWOSB or WOSB concern that has been certified by an SBA approved third party certifier, (which includes SBA certification under the 8(a) Program), must provide the following eligibility requirement documents—
 - (i) The third-party certification;

FAR Subpart 19.1503 (c) (continued)

- (ii) SBA's WOSB Program Certification form (SBA Form 2413); and
- (iii) The joint venture agreement, if applicable.

FAR Subpart 19.1503 (c) (continued)

- (2) An EDWOSB or WOSB concern that has not been certified by an SBA approved third party certifier or by SBA under the 8(a) Program, must provide the following documents:
 - (i) The U.S. birth certificate, naturalization documentation, or unexpired U.S. passport for each woman owner.
 - (ii) The joint venture agreement, if applicable.

FAR Subpart 19.1503 (c) (continued)

(iii) For limited liability companies, Articles of organization (also referred to as certificate of organization or articles of formation) and any amendments, and the operating agreement and any amendments.

FAR Subpart 19.1503 (c) (continued)

(iv) For corporations, articles of incorporation and any amendments, by-laws and any amendments, all issued stock certificates, including the front and back copies, signed in accord with the by-laws, stock ledger, and voting agreements, if any.

FAR Subpart 19.1503 (c) (continued)

- (v) For partnerships, the partnership agreement and any amendments.
- (vi) For sole proprietorships, corporations, limited liability companies and partnerships if applicable, the assumed/fictitious name certificate(s).

FAR Subpart 19.1503 (c) (continued)

- (vii) SBA's WOSB Program Certification form (SBA Form 2413).
- (viii) For EDWOSB concerns, in addition to the above, the SBA Form 413, Personal Financial Statement, available to the public at <http://www.sba.gov/tools/Forms/index.html>, for each woman claiming economic disadvantage.

FAR Subpart 19.1503 (d)

- (d)(1) A contracting officer may accept a concern's self-certification as accurate for a specific procurement reserved for award under this subpart if—
- (i) The apparent successful WOSB or EDWOSB offeror provided the required documents;

FAR Subpart 19.1503 (d) (continued)

- (ii) There has been no protest or other credible information that calls into question the concern's eligibility as an EDWOSB or WOSB concern; and
- (iii) There has been no decision issued by SBA as a result of a current eligibility examination finding the concern did not qualify as an EDWOSB or WOSB concern at the time it submitted its initial offer for an EDWOSB or WOSB requirement.

FAR Subpart 19.1503 (d) (continued)

- (2) The contracting officer shall file a status protest in accordance with FAR [19.308](#) if—
- (i) There is information that questions the eligibility of a concern; or
 - (ii) The concern fails to provide all of the required documents to verify its eligibility.

19.1504 Exclusions

- This subpart does not apply to—
- (a) Requirements that an 8(a) concern is currently performing under the 8(a) Program or that SBA has accepted for performance under the authority of the 8(a) Program, unless SBA has consented to release the requirements from the 8(a) Program;

19.1504 Exclusions (continued)

- (b) Requirements that can be satisfied through award to—
- (1) Federal Prison Industries, Inc. (see subpart [8.6](#)); or
- (2) Javits-Wagner-O'Day Act participating non-profit agencies for the blind or severely disabled (see subpart [8.7](#));

19.1504 Exclusions (continued)

- (c) Orders against indefinite delivery contracts (see subpart [16.5](#)); or
- (d) Orders against Federal Supply Schedules (see subpart [8.4](#)).

Set-aside Procedures

- FAR 19.1505
- In those NAICS Codes in which the SBA has determined that women owned small business concerns are under-represented or substantially under-represented

Set-aside Procedures (continued)

- Contracting Officer has a reasonable expectation based on market research that
 - Two or more EDWOSBs concerns or WOSBs concerns will submit offers
 - Anticipated award price, including options, does not exceed \$6.5 million in the case of a manufacturing contractor or \$4 million for all other contracts
 - Award will be made at a fair and reasonable price