

[START OF TRANSCRIPT]

**Carla:** Ladies and gentlemen, welcome and thank you for joining today's Live SBA Web conference. Please note that all participant lines will be muted for the duration of this event. You are welcome to submit written questions during the presentation and these will be addressed by Valerie Coleman during the Q and A session. To submit a written question, please use the chat panel on the lower right hand side of your screen. Choose, "all panelists" from the send-to drop down menu. If you require technical assistance, send a private note to the event producer. I would now like to formally begin today's conference and introduce Chris Eischen. Chris, please go ahead.

**Chris:** Thank you, Carla. Hello everyone and welcome to S.B.A.'s first Wednesday webinar series. Did you know that in 1987 after being petitioned by the National Women's History Project Congress, designated the month of March as women's history month? Between 1988 and 1994 Congress passed additional resolutions requesting and authorizing the president to proclaim March of each year as women's history month. And, since 1988 US presidents have issued annual proclamations designating the month of March as women's history month. So, in honor of March being Women's History Month, we would like to focus on S.B.A.s women-owned small business program today.

We appreciate you taking the time to join us on the March edition of SBA's first Wednesday webinar series. If you are new to our event this webinar series focuses on getting subject matter experts on specific small business programs. In this case, SBA's women-owned small business program and having them provide you with the valuable information you can use in the performance of your job as an S.B.A. employee, a member of the Federal Acquisition community or a PTAC employee.

We periodically get e-mails asking if small business concerns can be invited to participate on the first Wednesday program and the answer is, "No." The training you are about to receive is focused on you and it's not applicable to small business vendors. SBA hopes to directly train the small business concerns through other methods.

Now, for a little background on the first Wednesday program. The program was initially created for contracting staff, which is why the training was called 1102 First Wednesday. The 1102 designated Government series for contracting personnel was later dropped to be more inclusive of other G.S. series as federal agencies increased their requirements for nine 1102s to obtain **[00:02:29 DAWIA and VACSI]** certifications. Additionally, other federal buy in activities,

S.B.A staff, PTACS and FBDC personnel who after hearing about the training requested access and were added to the list of participants. That is why S.B.As First Wednesday Program is aimed at federal employees and other resource partners like PTACs and SBDC.

So, thank you to those of you who are repeat attendees and welcome to those of you who are new to the program. As Carla mentioned this is Slide 2. I am Chris Eischen and I work as a Procurement Center Representative or PCR with the U.S. Small Business Administration in Kansas City. Additionally, Ms. Valerie Coleman who is the Prime Contracts Program Manager for S.B.As Office of Government contracting will be reading your questions submitted during the program for our speakers to address at the end of today's session. Slide two includes both of our information.

Slide three: Please note that all lines are on mute however you may submit questions anytime during today's session by entering them into the chat box on the lower right hand screen. Where these questions will be addressed at the end of our speaker's presentation. As you may have noticed this month we have transitioned to a new Web Ex application and have been informed that unfortunately some users may experience issues such as a blocked website or other error messages while attempting to access the conference logon. It is our understanding that it is your internal IT security settings that are restricting your access and the AT&T Help Desk or the S.B.A. PLCs identified will be unable to resolve the issue for you.

If you are affected by this issue, please make sure you are dialed in and follow along with the slides provided in the email that was sent out. We will ensure that page numbers are clearly stated so you can follow along. We are hopeful this issue will be resolved by our next session and we apologize for any inconvenience. Now, if you are having any other technical problems please call the AT&T support desk at 1 888 796 6118. If you didn't get that telephone number for the AT&T support desk was included on the initial email invite for today's program and on Slide three of the PowerPoint presentation that accompanied the SBA email.

Otherwise just keep listening and follow along with the PowerPoint that accompanied the invitation for today and we will continually announce the page number so you can follow along. For more information on S.B.A. Small Business program training you can also visit the S.B.A. Learning Center at [www.SBA.gov](http://www.SBA.gov)

Now, on Slide four, the Association of procurement technical assistance centers or ATAC hosts a website where they post the first

ones they program. Since these sessions are being recorded you can re-listen to this program as well as previous sessions by visiting their website which is provided on Slide four. Also, procurement technical assistance centers or PTACs are a great resource partner. Partnering with your local PTAC for an industry day, sharing a source of thought and RFI notices or referring small business concerns to a PTAC are just a few reasons why they are such a useful resource for our acquisition personnel. Please contact your local PTAC for additional information.

Slide five is the calendar of training sessions. Slide five includes the current program schedule for our fiscal year 2018 and today's session on the women owned small business program is the sixth topic in the series. As you will see we have added a couple of new topics to our program list and improved on other issues that have been presented in the past. We hope you find these topics interesting and applicable to your job.

Now on Slide six, I'm sure many of you will want to receive credit for today's training so today's session is worth one CLP.

On Slide seven is the certificate you will complete with your name. First you will manually fill in your name and then print the certificate from the PowerPoint to request credit for today's session. The PowerPoint was part of today's S.B.A email as I mentioned earlier and you'll simply go to Slide seven fill in your name and print that out. Please note that S.B.A. does not track your CLP's or communicate with your training program regarding your CLP achievements.

And, several of you maybe just be listening or received an email from someone else. But, please if you want to receive emails directly from us notifying you of the upcoming First Wednesday Webinar events please e-mail us at S.B.A. learning which is [SBALEARNING@SBA.GOV](mailto:SBALEARNING@SBA.GOV). In the subject line please enter the words, "Add to the list" and we'll ensure that you're added to the distribution list so you too can obtain these.

As I mentioned earlier this is Slide seven and you will just enter your name here. You'll simply just delete that put your name in there, print page seven only when you print that out. Otherwise you'll have a slide deck of sixty something slides. So, you'll just want that one slide so you submit that, scan it and then submit it to your training coordinator or whatever policy you have in place. That's how you get your one CLP for today.

Slide eight, the woman owned small business program is receiving a lot of attention in the world of small business. Today's training has been assembled to address several aspects of this topic. Our speaker has graciously accepted our invitation and she'll be directing me to continue on to the next slide. As mentioned earlier if you are unable to access the Web Ex application please follow along on the PowerPoint presentation that was included in the email regarding today's training. We will identify the page number so you can follow along. Also please know that due to connectivity issues some viewers may experience a delay as slight changes on your screen.

Now, I am pleased to introduce today's speaker to you Ms. Amy Kim who is the WOSB program manager for SBAs Office of Government contracting. Amy, we appreciate that you could meet with us today and I'll turn the program over to you now.

**Amy:**

Thank you Chris. Slide number ninety and slide number ten. This is a list of topics I am going to cover this afternoon.

Slide 11: The women owned small business federal contract program or the women owned small business program allows contracting officers to set aside procurement for women owned small businesses including economically disadvantaged women owned small businesses provided that certain conditions are met. As of December 2015 contracting officers had the authority to make those awards to women owned small businesses including economically disadvantaged women owned small businesses under specific circumstances. I am going to explain what those circumstances are in just a moment. SBA regulations provide the framework of the programs and the procedures that are incorporated in Slide 19.15.

Slide 12: When the webinar concludes I want you to have the following three take aways.

Number one, not all NAICS codes are eligible for use under the women owned small business program. The list of eligible NAICS codes are available on the SBA website.

Number two, a business that desires to qualify for contract work under the women owned small business program must provide their eligibility documents to the WOSB Repository.

Number three, contracting officers that conduct procurement under the program must verify whether the award has provided all the required documents to the WOSB Repository.

Slide number 13, there are two points in the slide that you need to know about. Although the National Defense Authorization Act of 2015 ended the self-certification option, [00:11:36 inaudible] are allowed to continue to self-certify until SBA implements the certification requirement. SBA updated the eligible NAICS code under the program in October 2017 to reflect mid-2017.

Slide Number 14, before I proceed I would like to point out that throughout the webinar I will be using to acronyms. WOSB and EDWOSB. A WOSB is a short for A Women Owned Small Business and, and EDWOSB is for an Economically Disadvantaged Women Owned Small Business. Some of you mistake it to be that an EDWOSB is a separate program. It is not. As this diagram represents EDWOSB is a sub-set of WOSB. An EDWOSB is a WOSB that is both and controlled by women that claim economic disadvantage. As such if a business can meet the eligibility requirements as an EDWOSB it automatically qualifies as a WOSB. EDWOSB and WOSB make up the WOSB program.

Slide 15, here's the first of the ten questions that I will ask you during this webinar. Question, "May and EDWOSB submit an offer on a procurement set-aside for a WOSB?" The answer is, "Yes, an EDWOSB is a sub-set of a WOSB therefore if they qualify as an EDWOSB it automatically meets the requirements as a WOSB. Consequently, an EDWOSB may submit an offer for a WOSB set-aside."

Slide 16, what are the considerations that you need to make at the pre-certification stage?

Slide 17, if a procurement is valued at over \$150,000.00 contracting officers must consider setting it aside under the social-economic program for small business before they consider a small business set aside. These social-economic programs include HUBZone, 8(a), WOSB or Service-Disabled Veteran-Owned Small Business. I am just going to call it SDBO throughout this webinar. In order to do so however, the following conditions must be met. First, you need to determine whether the rule of two can be met. Second, you need to ensure that the award will be made at a fair and reasonable price. Additionally, if the requirement is a follow on and an 8(a) firm is performing under existing requirements, you may not award the following contract to a HUBZone or a WOSB or an SBDO. Under the palliative ruling, the contracting officers are free to choose among the social-economic programs for a small business.

Next section that your market research indicates that the conditions for 8(a), HUBZone, WOSB or SBDO set-asides cannot be met but,

you identified one contractor under the social-economic group that can perform the requirement. If so, you must consider making an award to the contractor on a sole-source basis. FAR does not say that you must make the award rather FAR says you must consider making the award in sole-source basis. If neither option is available, you need to consider a small business set-aside and then rule in open competition. Your decision should be based on market research, historical data and your agency progress towards meeting the small business goals.

Slide 18, if you are considering utilizing the WOSB program please note that not all NAICS codes are eligible under the program. Furthermore, that way if NAICS codes that are authorized for WOSB and EDWOSB procurement. They do not overlap. Currently 364 NAICS codes are authorized for WOSB programming and AD-NAICS codes that's eligible for EDWOSB programming. If you are interested in WOSB and/or EDWOSB set-asides, please go to the WOSB program website to determine whether the NAICS code assigned to the solicitation is eligible for you under the program. If your market research is showing only one WOSB and multiple small businesses can perform the requirement you must consider making an award to the WOSB on a sole-source basis before you consider setting it aside for small businesses.

Slide 19, earlier in my presentation I mentioned that WOSB must provide their eligibility documents to the WOSB Program Repository in order to qualify for contract award under the WOSB program. This specific requirement is a source of confusion among many businesses. In order to eliminate confusion and avoid a delay in the procurement process I would like to recommend that you include the following language in your solicitation. You need to remind the prospect offered of their responsibility for providing their eligibility documents to the WOSB Program Repository. Moreover, you may want to make them aware of possible consequences of not complying with a regulatory requirement. You may encourage the businesses in need of assistance in complying with the requirement to contact SBA.

Slide 20, what are the considerations that must be met in order for contracting officers to set aside procurement for WOSB? First, as this decision chart represents first decide the NAICS code for the solicitation and then go to the SBA website to make sure that this particular NAICS code is eligible for use under the WOSB program. Again, as I emphasized a few minutes ago please note that not all NAICS codes are authorized for WOSB procurement. And, if the NAICS code assigned to the procurement is authorized for WOSB

and then you need to refer to your market research to see if two or more WOSBs will submit an offer. You are to make sure that the award will be made at a fair and reasonable price. If all the conditions are met you may set it aside for WOSB.

Slide 21, on the other hand if the NAICS code assigned to the procurement is designated for EDWOSB only you need to determine whether two or more EDWOSBs will submit an offer. Lastly, the award must be made at a fair and a reasonable price. If all of these conditions are met you may set it aside for EDWOSBs.

Slide 22, question. If the NAICS code assigned to the solicitation is authorized for WOSB can the contracting officer receive a response from an EDWOSB? I will give you two seconds to think about the answer. The answer is, "Yes." I just rephrased the question that I asked a few minutes ago. Remember the diagram that I showed you earlier? An EDWOSB is a subset of WOSB as such an EDWOSB automatically qualifies as a WOSB. Therefore, the contracting officer may receive an offer from an EDWOSB for a WOSB set-aside.

Slide 23, question. I know this requires a little bit of mental gymnastics but I'm just repeating the same question from different angles. If the NAICS code assigned for solicitation is authorized for WOSB can the contracting officer publicize the procurement as an EDWOSB set-aside? Two seconds. The answer is, "No." I pointed out earlier that the NAICS code authorized for a WOSB and EDWOSB procurement do not overlap. Think of this as establishing a competition pool. If you mistakenly advertise it as an EDWOSB set-aside you would end up eliminating WOSB whose owner or manager does not claim economic disadvantage but otherwise they are qualified to compete for award. So, if you do that you would open yourself to bid protests.

Slide 24, FAR 19.1506 provides guidance on making sole-source awards under the WOSB program. It is very similar to the guidance on HUBZone or SDBO sole-source award. Again, a major difference that you can do WOSB or EDWOSB sole-source award in designated NAICS code only. Additionally, the total contract value must not exceed \$6.5 million for a manufacturing or \$4 million for services. Please note that the WOSB program is not a business development program. As such there is no statutory authority to select the awardee and make a direct award as you would do under the 8(a) program. Agencies are required to support their award decision with written TNAs in accordance with FAR 6.302-532.

Slide 25, this is essentially the same thing but I just wanted to repeat the same sort of like flow chart for EDWOSB for source award decision. The only difference is you know the NAICS code part.

Slide 26, One of the Frequently Asked Question is why you need the TNAs in order to make sole-source awards under the WOSB programs yet it is true that FAR was amended to establish sole-source a statutory authority for source award under the WOSB program. This authority is incorporate in FAR 6.302-537. However, FAR does not exempt from the certification requirement source award under the WOSB program. So, if you go back to this particular file clause in 6.302-5 it discusses sole-source authority that's authorized by statute but, if you keep reading it and I think it's paragraph I believe three. It is stated there, "FAR does not exempt from the justifications requirement sole-source award under the WOSB program. FAR only exempts the following four from the justifications requirement. They are; purchase made through another agency or from a specified source as and authorized or required by a statute, meaning commercial items purchased for authorized resale. Purchases from a Bill 81 organizations and 8(a) sole-source award of up to \$22 million." Specifically far on 6.302-532 provides contract awarded using this authority meaning source or authority under the WOSB program shall be support by the written justifications and approvals except for the four examples that I have described earlier.

Slide 27, now I am going to go over a few examples to illustrate how you can use the WOSB program to meet your application needs. These are real examples that I have pulled from SBA.gov. First question, "I have a solicitation seeking sign language interpretation services. I am planning to utilize the GSA digital contract for the solicitation NAICS code 54 1930 translation and interpretation services is assigned to the solicitation. Market research shows that there are two or more WOSBs that can perform the requirement. Can I set it aside for WOSB?" In order to get an answer, again you need to go the SBA website and check the NAICS code table to determine whether the NAICS code is eligible for use under the WOSB program. As you will see here SBA NAICS code table says, "Yes, it is eligible under the WOSB program. Yes, it is authorized for WOSB." So, the answer to this question is, "Yes, you may set it aside for WOSB."

Slide 28, Question. "I have a solicitation calling for the contractor to provide temporary health services. NAICS code 561320 temporary health services was assigned to the solicitation. Market research indicates that the rule of two will be met for WOSB and SDBO set-



aside. Can I set it aside for WOSB? Again, you need to go to the SBA website and determine whether the NAICS code is eligible under the WOSB program. As you see here that's strictly NAICS code 561320 is not authorized for use under WOSB program hence, you may not conduct the procurement under the WOSB program. So, the answer is, "No." You may do however, an SDBO set-aside.

Slide 29, I have a solicitation calling for the contractor to provide computer network equipment. NAICS code 541519 other computer related services is assigned to the solicitation. Market research indicates that the rule of two can be met for WOSB and EDWOSB set-aside. Which one do I select? Notice that the NAICS code is authorized for WOSB. I pointed out earlier that the NAICS code authorized for WOSB and EDWOSB procurement do not overlap. SBAs NAICS code table indicates that NAICS code 541519 is authorized for WOSB procurements only. Again I am repeating myself here but, if you mistakenly advertise it as an EDWOSB set-aside you would end up eliminating WOSBs whose owners or manager does not claim economic disadvantage but are otherwise qualified to compete for award. Again, then you may open yourself to potential bid protests. In summary you may set it aside for WOSB in this particular case.

Slide 30, I have a requirement to purchase general dynamic along range thermal images. NAICS code 334511, search detection navigation, guidance, aeronautical, and nautical system and instrument manufacturing is assigned to the procurement with a total value of \$7 million. Market research indicates that there is one WOSB that can perform the requirement. I have written TNAs. Can I make the award to the WOSB on a sole-source basis under the WOSB program? The answer is, "No." although the NAICS code is authorized for WOSBs as indicated here remember the total value. The awards are subject to the threshold. The threshold for services contract is, I'm sorry this is a manufacturing contract, sorry. But, the threshold for manufacturing contract is \$6.5 million and here the total value is \$7 million so, the answer is, "No, you cannot make the contract award on a sole-source basis in this particular case to a women owned small business.

Slide 31, A WOSB or an EDWOSB may establish a joint venture with another business to pursue WOSB or EDWOSB procurements. Each participant to the joint venture must be small under the applicable size standard unless the joint venture was formed under the SBA or small mentor protégé program. The parties to the joint venture must enter into a recent joint venture agreement which must include the following elements. I am just going to highlight some

important aspects of the joint venture agreement. A WOSB or an EDWOSB must be designated as the managing venture of the joint venture. An employee of the WOSB or the EDWOSB must be identified as the program manager responsible for contract performance. A WOSB or an EDWOSB must own 51% and receive profits commensurate with the work it performs. A WOSB or an EDWOSB must perform at least 40% of the work performed by the joint venture. Additionally, the joint venture agreement must set aside the responsibilities of the parties regarding contract negotiation, sources of labor and contract performance. SBA does not approve age on WOSB or an EDWOSB joint venture agreement but, the joint venture must submit its agreement to the contracting officer when it submits a proposal for a WOSB or an EDWOSB solicitation.

Slide 32, Let us assume that the conditions for a WOSB set-aside were met. You advertised it as a WOSB set-aside and received an evaluated proposal. You identify the apparently successful offeror, what are the considerations that must be made at the pre-award stage?

Slide 33, number one, contracting officers must check SAM to make sure that the apparently successful offeror made a representation as a WOSB eligible under the WOSB program. Number two, if the procurement was a set-aside for WOSB and only one eligible offer was received from a WOSB or an EDWOSB the contracting officer may make the award. Number three, FAR provides that contracting officers not SBA are responsible for checking whether the appearance of this [00:34:53 inaudible] had submitted all the required documents to the WOSB Repository.

Slide 34, question. If the contractor makes the representation as a WOSB in SAM it is eligible for an award under the WOSB program provided all the other conditions are met. The answer is, "No, not necessarily." There are three types of WOSB by presentation that a small business can make and send. First there is WOSB that meet the regulatory requirement to qualify as a WOSB but do not want to bother with providing eligibility documents to the WOSB Repository. These WOSBs will make a representation in FAR 52219.1C3 but they are not eligible to receive contract awards under the WOSB program if they do happen to receive an award under other set-asides, 8(a), small business, HUBZone then, agencies may count it towards their WOSB contract and goals. Additionally, there are WOSBs and EDWOSBs eligible under the WOSBs programs. They make representations as a WOSB or an EDWOSB in FAR 52219-1C4 and C5. Notice how the FAR clauses read. It says, "It is a WOSB concern

eligible under the WOSB program and has provided all the required documents to the WOSB Repository. In other words, the businesses they make representations in bid to a paragraph, must provide their eligibility documents to the WOSB Repository.

Slide 35, WOSB Repository is currently housed at [certified.sba.gov](https://certified.sba.gov). SBA form 2413 for SBA form 2414 is completed online at [certified.sba.gov](https://certified.sba.gov). SBA no longer requires firms to complete and upload these forms. Just in case, for those of you out there who are already in FAR, FAR is outdated. We haven't made revisions yet but, we are no longer requiring them to complete hard copy of these forms and upload it to the WOSB Repository. These essays are required to add supporting documents to specific questions. Contracting officers must request that they be granted access to [Certify.SBA.gov](https://certify.sba.gov) or contact the apparently successful offeror. When contracting officers do request for access is granted, he or she will see a completed WOSB or EDWOSB certification questionnaire and associated documents on one page. I will walk you through the process of requesting account access and validating whether the apparently successful offeror has provided all the required documents. If any questions on eligibility arise, you must start a status protest with SBA.

Slide 36. Let's read this audio example where the solicitation code with the contractor to provide sign language interpretation services. You have decided to compete among GSA schedule count of orders. You posted the RS2 on eBay, receive evaluated selling quotes and selected the apparently successful offeror. Question, "Do I need to verify whether the apparently successful offeror has provided all the required documents to certify at [sba.gov](https://sba.gov)? The answer is, "Yes." I am not aware of any GSA-scheduled contract that are set aside for women-owned small businesses. Consequently, if a TAC quarter is a set-aside for WOSB contracting officers for the ordering agency must verify whether offeror has provided all the required documents to certify that [sba.gov](https://sba.gov).

Slide 37, I have an RFP calling for road construction and maintenance services on 6<sup>th</sup> national forest in Southern California. I have the RFP set-aside for WOSB. After evaluating proposals, I have awarded ideological contract to 12 contractors. TAC orders will be completed among these ideological contract orders. Question, "I understand that I need to verify the apparently successful offeror has provided all the required documents to certify at [SBA.gov](https://SBA.gov) but, do I do that or I do like a contract task order or both? The answer is, "You need to perform the verification at the ideological contract level." Once that's done you are done. You are now required to

conduct the verification at the task order level because the ideological contract is a set-aside for WOSB.

Changing status to a joint venture. If the apparently successful offeror is a joint venture, then you need to verify the documents of the WOSB or the EDWOSB managing venture to be certified at SBA.gov. This is because the joint venture relies upon the status of the managing venture to qualify for WOSB or EDWOSB award.

Slide 38, there are three ways businesses can qualify as a WOSB or an EDWOSB. First they may self-certify and provide their eligibility documents through Certify.SBA.gov. Second, they have an option to seek WOSB or EDWOSB certification from one of the four SBA approved third party certifying entities and provide their third-party certification to Certify.SBA.gov. Lastly, as they also accept the AD-certification into the WOSB program if the business is owned and controlled by women and their AD-certification is current.

Slide 39, Here is a list of documents that a business self-certifying as a WOSB must provide to certify at sba.gov. If you happen to conduct WOSB set-aside interview that my recommendation is I would print out this particular in page and just use it as a cheat sheet so that you can sort of like check off the list of documents as you are reviewing they are certified at SBA.gov on documents. Here is a list of documents that WOSB self-certifying must provide to certify. Supporting documents must demonstrate that a business has met the citizenship, ownership and control requirements. For citizenship SBA only accepts the following three documents; birth certificate, naturalization papers or unexpired passport. Regarding ownership and control depending on how a business is organized it is subject to different paper work requirements. For example, if a business is organized as a corporation it must provide the following five documents; articles of incorporation, by-laws, all issued stock certificates, stock ledger and boarding agreements, if any. On the other hand, if it's a business state organization LSC, it is required to submit its articles of organization and operating agreement. Additionally, the business must complete the online equivalent of SBA form 2413 and certify at SBA.gov. SBA no longer requires businesses to complete and upload the form to certify it at sba.gov.

Slide 40, businesses set-aside as an EDWOSB must provide all the documents required for a WOSB and submit financial information on each woman claiming economic disadvantage. They must also complete the online equivalent of SBA form 2414 and SBA form 413 and certify at sba.gov. SBA no longer requires businesses to complete and upload these forms.

Slide 41, businesses set-aside as a WOSB or an EDWOSB by one of the four SBA approved third-party certifiers must also register with Certify.SBA.gov. They must complete the online equivalent of SBA2414 or 2413 and submit its third-party certification to Certify.SBA.gov. I would like to emphasize that SBA only accepts WOSB or EDWOSB certification from one of the following for third-party certifiers. They are; El Paso Hispanic Chamber of Commerce, the National Women Business Owners Corporation, the U.S. Women's Chamber of Commerce and the Women's Business Enterprise National Council. SBA does not accept State certification or DV Certification from the U.S. Department of Transportation.

Slide 42, active participant in the 8(a) Business Development Program may rely on their 8(a) certification to demonstrate their qualified status as a WOSB and an EDWOSB. They're still required to complete the online equivalent of SBA Form 2414 and certify that at SBA.gov and provide their initial 8(a) certification letter as well as most recent annual review issued by SBA.

Slide 43, SBA is committed to ensuring only eligible WOSB benefit from the program. We have a couple of different tools in our tool box to ensure that there is no fraud ways and abuse. But something that you might want to be mindful of is SBA will protest any status protest filed against the apparently successful offeror in connection with WOSB set-aside or sole-source award. Only interested party meaning the SBA contracting officer and an unsuccessful offeror in a set-aside situation may submit a protest.

Slide 44, 2 I am going to quickly walk you through the Certify.SBA.gov. Try next slide please, 46? You just saw the homepage of Certify.SBA.gov and make sure that you use the link for federal government employee to register. In order to review the documents that apparently successful offeror has provided you must request access and the contractor must approve your request. Before you make the request you must register with Certify.SBA.gov through MAX.gov using your TAC or TID code. Please use the link for federal government employees to register or log in.

Slide 47, once you have logged in you click the request menu on top and then click on request access link on the left navigation bar.

Forty-eight. Enter the DUNS number of the offeror in the text box and click on the search button. If the contractor has not provided any documents or all of the required information to Certify.SBA.gov you will see a message that the vendor has not completed its registration.

Slide 49, complete the request form by entering the solicitation number and the NAICS code then select the type of WOSB procurement. Check the I outside the box and then click on the request access button. You do not need to send a separate notification to the contractor because the system will do that for you.

Slide 50, when the offeror approves your request you will receive a notification from Certify.SBA.gov by email. Log in using your government ID and click on the, "my request" link on the left navigation bar. In the view column select which certification you would like to see using the WOSB or EDWOSB links. Next slide please, 51?

Please note that for WOSB set-aside procurements the offeror can set a requirement for WOSB even if they don't complete the EDWOSB certification procedure. You may recall that an EDWOSB automatically qualifies as a WOSB if you do not see anything in the view column the offeror has not provided any documents or has not completed the online certification questionnaire. In this case you actually have an option. If you have a little bit of lead time you can contact the contractor and remind them of their responsibility for providing the documents to certify that SBA.gov and you also may file a status protest with SBA against the apparently successful offeror.

Slide 52, unlike the WOSB Repository and the general log in system you would now need to toggle among documents. Certify.SBA.gov requires business to complete the certification questionnaire and associate the documents with a specific question. In other words, you can review the answer and supporting documents all on one webpage. To view the supporting document, click on the file name link that's highlighted in red.

Slide 53. I'd like to encourage you to visit the WOSB program website as we update the website on a regular basis. Any program related question should be sent to WOSB at SBA.gov. For technical questions, please send an email to [help@certify.SBA.gov](mailto:help@certify.SBA.gov). That's it for now. Chris, I will hand it back to you.

**Chris:**

Amy, thank you so much for your presentation. We are going to open it up to some questions now so Val whenever you are ready to go with your first one.

**Valerie:**

Okay. We did get a couple questions that asked for the slides. If you do not have the slides and would like them, please send an e-mail to

SBAlearning@SBA.gov and we will send the slides to you. Amy, what is the advantage if any to be third party certified?

**Amy:** There is none. Certification is imperative with the third-party certification so for purposes of women owned small business program meaning that you are pursuing set-aside contracts sole-source award under the WOSB programs those two options are completely imperative. Third party certification is only an option it's not a requirement.

**Valerie:** Next question. Why are WOSBs restricted to only AD-mix? For example, it appears construction mix aren't included however it would enhance participation if construction mix were allowed. Is there a move to include additional mix in WOSB?

**Amy:** Maybe, I didn't really communicate this very clearly but, there are 364 Mixed Goals that are authorized for WOSB set-asides and sole-source awards and their AD-mixed goals are authorized for EDWOSB procurement. So, in total we have 444 NAICS codes that are authorized under the program. There was for example NAICS code that was eligible for use for WOSB set-aside or sole-source award contract under the program.

**Valerie:** Thanks. Does the SAM profile indicate somewhere on it that they are qualified under these certain NAICS codes?

**Amy:** That's a good question. Bear the mind that if you read eligibility requirements there is nothing in the regulations that says they must operate in eligible NAICS code to qualify as a WOSB. NAICS code do not only have a direct bearing on their eligibility however, if your primary or secondary NAICS code none of them are authorized for use under WOSB program it probably doesn't really make sense for them to try to qualify as such because they are not going to see any set-aside or sole-source contract award out of the program. So, the answer to that is from the contracting officer's perspective it doesn't really matter whether their SAM profile says whether the NAICS code they operate in are authorized under the program but, however it will be like coming in to play when you read their proposals because chances are if they have never operated in these industries their proposals are not going to make it through the evaluation process because they have no past performance to show for it.

**Valerie:** Can an EDWOSB submit a proposal even if the solicitation is a WOSB set-aside?

**Amy:** Yes. Like if you get confused think about the diagram that I showed you earlier. So, if it is a WOSB set-aside your competition for it is this big. It includes or the other WOSBs and EDWOSB only is a subset of that. So, again EDWOSB you automatically qualify as a WOSB. So, the answer is, "Yes."

**Valerie:** On Slide 17, it states the contract value must be over \$150,000.00 for a set-aside or sole-source but when you get to sole-source the contract value can't be greater than \$6.5 million for manufacturing and \$4 million for services. Is construction considered under the services?

**Amy:** Construction, yes. The NAICS code starts with 27 so it should be considered under services, yes.

**Valerie:** If a company isn't required to have a DVA certificate from their State is there anything a sole proprietor could upload in place of it to the Repository?

**Amy:** That's a really good question. If they do not they're not required to have DVA names if they don't have it although the regulation, this is just something that we'll probably have to address when we work on the proposed rules for the WOSB program to implement the certification requirement. This is something that we have to keep in mind. Although the current regulations says a DVA certificate is required for sole-source if they don't have it, they don't have it. I mean they can't really make something up.

**Valerie:** Okay. I think you've answered this but I do want to address all the questions that we received. So, the next two. How does the contracting officer verify the certification if WOSB can self-certify in Sam, are we checking for self-certification and, one second. Are we checking for self-certification in SAM.gov under 52212-3 Section five women owned small business concerns? The offer represents that it is a woman owned small business concern but did not check that it is not a WOSB concerned eligible under the program?

**Amy:** When you receive a proposal you have to rely on their SAM profile as accurate, complete and current but, before you make an award you have to address a couple of different issues. If their SAM profile had a defect meaning that they haven't really checked it is WOSB set-aside but, they haven't checked the appropriate box in SAM you have to probably notify them. They need to address this or they update their SAM profile or not. The second issue is the verification requirement. It doesn't really come in to play until you are actually ready to make the award. It's not already checking if whether they are self-certified or third-party certified. It's more you go to



Certify.SBA.gov and make sure that they are in compliance with the file requirement. Meaning they provided all the required documents. That's the step that you need to take but, as I said before depending on whether they are self-certified or third-party certified documentation requirement is different. But, when you evaluate the proposal you have to get the information and you have to rely on their information as accurate, complete and current.

**Valerie:** We have—

**Amy:** Yes.

**Valerie:** --we have one last question on Slide 26 what does it mean when it says FAR exempts the FAR one from justification requirement?

**Amy:** I touched upon it briefly but, if you go back to read 56.302-5 it actually discusses, the whole section discusses sole-source authority authorized or required by statute. So, like all this authority for HUBZone, Women Owned, SDBO sole-source awards they are all described in here. But, that is mentioned in paragraph B but, if you continue to read to paragraph C it actually says contract award that are using this authority shall be supported by the justifications and approvals and it continues to say there we take such analysis for situations that I described. It only references like FAR call this number but if you refer back to it, FAR says only these type of four were exempted from the justification requirement. Everything else you have to justify your award decision with written TNAs.

**Valerie:** Okay. Chris, I do not have any more questions that have been sent in.

**Chris:** Okay. Great. I just want to thank Amy for providing a great presentation for us today. Valerie and Carla we appreciate your assistance and thank you to the participants for listening in and having some great questions for us. We hope that you enjoy the content here and you're able to log in next month. One last thing, if you do have some additional questions or want some additional information regarding this program please send an email to [SBAlearning@SBA.gov](mailto:SBAlearning@SBA.gov) and will be able to assist you. Once again thank you and we look forward to talking with you next month.

**Carla:** Thank you all for joining today's conference. This session has now concluded and you may disconnect.

**[END OF TRANSCRIPT]**