

Moderator: Hello and welcome to today's 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 Deborah Crumity will repeat the questions that come in for the benefit of the entire group. To send a note, please select the participants menu at the top of your screen, and opt to send a note to all presenters.

If you are logged in using the web-based application, please use the notes function on the lower right-hand side of your screen and address your note to all moderators. In addition, to adjust the presentation view on your screen, on the participant application, click on the "fit to whiteboard" icon located on the lower left section of your screen. If you are connected via the web-based application, you can adjust the presentation view by simultaneously clicking the control and the plus or minus button on your keyboard. If you require technical assistance, send a note to the ATTCES operator, or call our help desk at 888-796-6118. I would now like to formally begin today's conference and turn the call over to Jan Kaiser.

Jan: Hello everyone and welcome to today's first Wednesday webinar which will cover SBA's women-owned small business program. Just looking at the calendar, I can't believe it's the first Wednesday in May already and the eighth program in the First Wednesday training series for FY 17. The SBA's First Wednesday Virtual Learning series was developed by the SBA's Office of Government Contracting in Area IV to provide small business program training to federal buying activity personnel with an interest in procurement, both contracting personnel and technical staff.

The program audience has grown to include several hundred participants each month, with several thousand on the email invitation list. Many outside of SBA's Area IV footprint, to include SBA staff and our valuable resource partners, like the Procurement Technical Assistance Centers and Small Business Development Centers.

This program series concentrates on getting SBA subject matter experts, as well as headquarters level speakers, and we hope that these sessions provide information you can use in the performance of your job in the federal procurement process or in directly assisting small business concerns.

As much as you may want to share this streaming session with small business concerns, don't. The types of questions they may be asking when we get to the section of the program where we ask for our participants to ask questions -- small businesses will be asking different types of questions that are distracting for our

primary audience, which as I said is government personnel, like 1102's, 1101's, and SBA people and PTACs and SBDCs.

So, my name is Jan Kaiser and I am a procurement center representative at the SBA's office of Government Contracting in Area IV, in Chicago. And I have Deborah Crumity with me today. She is sitting at the Rock Island Arsenal, where she acts as a Procurement Center representative for SBA as well.

So let's discuss how the program works. We'll address questions that we've received at the end of our speaker's presentation. And, once again, if you're having technical problems and can hear my voice, but you can't log on to the AT&T Connect participant application, which is the online portion of the webinar, call the AT&T Connect support desk at 1-888-796-6118. If you didn't get that, that's okay. The telephone numbers for the AT&T Connect support desk are on the email invitation for today's program and on slide 3 of the PowerPoint slide deck that accompanied the SBA's email notifying you of today's training.

Otherwise, just keep listening and following along with the PowerPoint that accompanied the invitation for today. And this is why we will periodically announce page numbers, so that we can be sure you are keeping up with us. For more SBA small-business program training, you can also visit the SBA Learning Center at SBA's website at www.sba.gov.

The Association of Procurement Technical Assistance Centers has a website where they post the First Wednesday programming. We're on slide 4 right now. Their website is provided here and we have also provided a link on how PTACs partner with federal agencies. And to learn more about PTACs, and where the closest one to you is located, see the link on this slide. Partnering with a PTAC for an industry day, sharing (unintelligible-00:05:24) or RFI notices or referring small business concerns to a PTAC are just a couple of reasons why PTACs are such a useful resource for acquisition personnel.

So, slide five is a snapshot of a training syllabus that we have so far for FY 17. And you can see that today is May 3; we're going to be talking about the Women-Owned Small-Business program. And, next month we'll be talking about the SBA's Size Program. When we conducted a survey earlier this year, we received several suggestions regarding topics around the SBA's Size Program.

We, as usual, will be accepting questions at the end of that program, so be thinking about what you would like to ask. Please do not hesitate to suggest a topic for inclusion in the program. We are always looking for topics to cover, and we'd like to hear from you at our email -- sbalearning@sba.gov, where you can suggest topics that you would like to hear about.

So, now I'm going on to slide six, and I know that we talked about this the last couple of months. But for those of you who missed previous sessions, it bears repeating. Because I also did a quickie SBA Fed Biz Ops search to see if anyone is still doing this, and I saw a couple of agencies who were posting announcements where they were referencing or referring small businesses to a website which is a ".com" website where small businesses pay a fee for their SAM registration.

These announcements are instructing these firms to complete and provide evidence of their ORCA, or online representation, and also to become a part of SAM, so this language should also be revised. Please revise any templates that you are using, and share with others that SAM registration is free and done on the SAM website at www.SAM.gov.

Do not endorse a private company to perform SAM registration for a fee. So if you were going to Google SAM registration, there is a company or two that may come up in the Google search before the SAM.gov website, which is free, comes up. So don't use that as a guide for where to refer companies, because as I said, they are going to be paying for that, and the government, the federal government wants to -- and the SBA -- wants these companies to be able to register for SAM for inclusion in your contract by using a free service.

So let's talk a little bit about how today's program is worth one CLP. And I just need you to take one moment to look through the deck of slides, because otherwise I get a couple of inquiries about how to get CLPs, or asking why someone's CLPs have not posted to their training website.

So you are going to go to the slide in the PowerPoint slide deck, that's slide eight, and this is the Certificate of Training for today. And you are going to edit that slide to insert your name and then you're going to create a PDF, or some kind of file, or you are going to print off just that one page to provide this evidence of your training for today. So, that's how that works. The SBA does not track your CLPs or communicate with your training program regarding your CLP achievements.

So with that, we're going to begin today's presentation with Amy Kim, who will be directing me to change the pages, as she proceeds through the program. She's the Women-Owned Small Business Program manager at SBA's Office of Government Contracting at SBA headquarters. I heard Amy speak at the DOD Small Business Training Week at Atlanta, last month. And I was so glad, when I was hearing her speak that we had already reserved her to speak to us today. Amy, we are pleased to have you with us, and I'll turn the program over to you.

Amy: Thank you, Jan. Good morning everyone. I'm Amy Kim, and I'm the Women-Owned Small Business Program manager at the SBA Office of Government Contracting. And this is a list of topics that I would like to cover this morning.

A quick overview of the Women-Owned Small Business program. The Women-Owned Small Business Federal Contract Program allows contracting officers to set aside certain procurement to women-owned small businesses, including economically disadvantaged women-owned small businesses in eligible NAICS codes. I'm going to elaborate on this point, and throughout my presentation.

As of December 2015, contracting officers now have the authority to make sole-source awards to women-owned small businesses, including economically disadvantaged women-owned small businesses, providing that certain conditions are met.

There are some unique aspects of the Women-Owned Small Business Federal Contract Program. Many people believe the program is very cumbersome, complicated, and difficult to administer, which I completely understand. But, I'm going to cover a lot of different materials this morning. And I don't really necessarily anticipate that you are going to retain much of the information that I'm going to share with you this morning, but here are the three important takeaways.

Number one -- the Women-Owned Small Business Program is unique in the regard that not only NAICS codes are authorized for use under the Women-Owned Small Business Program. The program is structured in a way that it can withstand legal challenges. Because it's a gender-specific program, we have to demonstrate the evidence where the setting aside for women can be actually justified.

So not only [unintelligible-00:12:07] under the program, please, if you are interested in conducting your procurement under the Women-Owned Small Business Program, please go to the WOSB website, and make sure the NAICS code assigned to the solicitation is available for the Women-Owned Small Business Program.

And next one. The second unique aspect of the Women-Owned Small Business Program is women-owned small businesses are required to provide their eligibility documents to the Women-Owned Small Business Program repository. And the contracting officer, it's not SBA, it's contracting officers' responsibility to verify what they are already, what the offeror provided in the required documents.

I'm going to elaborate on each bullet point throughout my presentation, but here are the important three takeaways I would like you to have when my presentation is over.

Slide 14. History of the Women-Owned Small Business Federal Contract Program. Two important points. The National Defense Authorization Act of 2015 ended the self-certification option. However, this is one of the situations Congress legislates without really giving executive agencies mechanisms to implement the requirements. So SBA actually came out with an announcement in the Federal Register, some years ago saying that women-owned small businesses are allowed to continue to self-certify while SBA establishes the infrastructure to implement this particular requirement.

So until SBA comes out with the final rule that self-certification is no longer allowed, they are still allowed to do so. So in terms of timeframe, I think we're looking at probably about a year from now. And that's an important point. SBA has conducted a series of studies on a regular basis to identify the industries where women are underrepresented. We conducted a study a little over a year ago, and we expanded the number of NAICS codes that are available under this program. So, as a result of this study, as many as 365 NAICS codes are available for women-owned small businesses set-asides. And 80 NAICS codes are available for economically disadvantaged women-owned small businesses set-asides.

Slide 15. So because saying women-owned small businesses or economically disadvantaged women-owned small businesses is quite a mouthful, I'm going to use two different acronyms throughout my presentation. WOSB is for women-owned small businesses and EDWOSB is for economically disadvantaged women-owned small businesses.

So, first WOSB. WOSB is a business concern that's at least 51% owned and controlled by one or more women. So, you don't really need to know the definition, but that's the official definition of WOSB. And some people out there mistakenly believe that EDWOSB is a separate program. It's not. EDWOSB is part of the Women-Owned Small Business Federal Contract Program. As the diagram represents, EDWOSB is a subset of WOSB. So, EDWOSB is essentially a WOSB, whose owner or manager claims economic disadvantage. So what it means is in order to qualify as an EDWOSB, you have met all the requirements. Ownership and control requirements to qualify as a WOSB and you also have to demonstrate economic disadvantage. So what does that mean for contracting officers?

If you qualify as an EDWOSB, you automatically qualify as a WOSB. Remember the point that I made a few minutes ago. You have to meet all the requirements for WOSB and economic disadvantage requirements. So it's kind of like if you look at this diagram, it kind of makes it a little easier to understand.

So I'm going to ask you a couple of different questions throughout my presentation. This actually works a lot better in a classroom setting, but we are on a webinar. So I try my best. The first question is may an EDWOSB submit an offer on a WOSB set-aside? I will give you two seconds to take a guess. The answer is yes. You remember the point that I was making a few minutes ago. EDWOSB is a subset of WOSB. So if you think of that diagram -- an EDWOSB has to meet all the requirements of the WOSB, plus economic disadvantage requirements. So, if you set-aside a procurement for WOSB and you're getting a proposal from an EDWOSB, remember they automatically meet the WOSB program requirements.

So, now that you have a little bit of understanding of the Women-Owned Small Business Program and you are interested in maybe possibly setting aside for a WOSB or an EDWOSB, what are the important pre-solicitation considerations you need to make?

Slide 18. So there are actually detailed rules to consider a set-aside, depending upon the contracting amount. But I'm going to limit my discussion to the value of the contract, in excess of \$150,000. So, FAR specifies if the value of the contract exceeds \$150,000, there is a certain order of precedence you have to go through.

So, before you consider a small business set-aside, you must consider setting aside for two socioeconomic categories of small business. It doesn't say you must award it under the program. It says you must consider setting it aside for one of these four socioeconomic categories. Among these four socioeconomic categories, there's a parity, so you are free to choose any of those four categories. But these following conditions have to be met. Number one, competition is everything in a government contract. So, in order to justify set-asides, you have to make sure that a rule of 2 will be met, and can the award be made at a fair and reasonable price?

And, the third important point is if this service requirement is a follow-on and the existing requirement is being performed by an 8(a) contractor, you may not take it out of the 8(a) program without SBA approval. So that's something you might want to keep in mind.

And, if the set-aside for any of the socioeconomic program options are not available, then you must consider -- again, consider -- making a sole-source award

to any of these four categories. So if your market research indicates that you can't really establish the rule of 2, but you managed to find the one contractor who can meet the requirements, you must consider making a sole-source award to one of these socioeconomic category contractors.

Again, sole-source awards come with their own conditions and descriptions. These following four conditions must be met. Is the contractor is deemed responsible, with regards to performance and, again, because if it's a typical sole-source, it usually has a ceiling contract value. So if the value of the contract does not exceed the amount prescribed by the regulations, can the award be made at a fair and decent price? Again, the same 8(a) rule applies. If there is any follow on requirement, if the existing requirement is being performed by an 8(a) contractor, you may not award a follow-on contract HUBZone, service-disabled, or women-owned.

So if neither condition can be met, neither option is available, then you can move on to a small business set-aside. And then if that cannot be met, then you can do unrestricted. Whatever decision you make, as a contracting officer you have a lot of discretion in terms of choosing which mechanism you are going to select for this particular acquisition. But your decision must be predicated upon your market research, historical data, and your agency's goal accomplishment-- accomplishment toward its small business goals.

So if your market research actually indicates -- you might be able to do a WOSB or possibly an EDWOSB set-aside. So what are the important considerations that you need to make? Again, I'm going to drive home this particular point over and over again. Not all NAICS codes are available for use under the WOSB program.

So the first thing that you might want to do is again go to the SBA website to ensure that the NAICS code assigned to the procurement is authorized for use under the WOSB program. Moreover, separate NAICS codes are authorized for WOSB and EDWOSB. They do not overlap.

If you look at the SBA NAICS code table, it will state that this particular code is for use only for WOSB or EDWOSB. So if you are considering doing set-asides, just go to the SBA website, and make sure that it is authorized for use under the program, and if so, for what category. And as I stated before, 365 NAICS codes are available for WOSB and 80 NAICS codes are authorized for EDWOSB. And if the market research indicates there's one WOSB and multiple small businesses that can perform the requirement, you must consider making a sole-source award to the WOSB before you consider small business set-asides.

Slide 20. There's a lot of confusion and myths about the Women-Owned Small Business Program and the important three takeaways I mentioned at the beginning of the slides, those last two bullet points -- the responsibility of the WOSB to provide all the documents and the contracting officer's responsibility to verify whether these documents were provided.

I know that many contractors and contracting officers are completely oblivious to this requirement, which is something I am well aware of. In order to avoid confusion or creating additional delay in the procurement process, if you're interested in doing WOSB or EDWOSB set-aside, my recommendation is to include this language in your solicitation documents, possibly instructions to offerors, to make it very clear to communicate to these potential offerors -- these are their requirements.

And the language, I lifted it directly from FAR with some modification. And they must provide all the eligibility documents to the WOSB program repository at the time of their offer. And the list of documents are provided here. I'm not leaving small business offerors and contracting officers out in the cold. And if you read the second paragraph it says if they need assistance in providing these documents to the repository, we'll be more than happy to work with those firms and provide regulatory guidance, and possibly providing a list of documents as well.

So we're offering our help and also you may want you to make very clear to the offerors what the possible consequences will be if they don't provide these documents. It says if the apparent successful offeror not have all the documents in the repository, it will be referred to SBA for a status protest. So that's my recommendation and you can take it or leave it, and you can modify it, but I'm just offering my suggestions here.

[unintelligible -00:26:08] during the WOSB set asides. There are considerations in the decision-making process, I would like to recommend you to take. There is criteria for doing set-asides under the WOSB program. I really selected those for HUBZone or service-disabled. The important distinction is, of course, it's a NAICS code. Again, the first thing you need to do is, you need to check the SBA NAICS code table. Go to the SBA website and make sure that it is specifically authorized for WOSB.

And you want to make sure that the rule of 2 can be met. And also you want to make sure that awards can be made at a fair and reasonable price. Then you can do a WOSB set-aside. And the point that I was making a few minutes earlier -- the contracting officer, remember it's a WOSB set-aside, right? So WOSB

includes EDWOSB. EDWOSB is a subset of WOSB. So contracting officers may receive offers from WOSB, including EDWOSB.

And if your market research indicates that conditions can be met for EDWOSB, what is the first thing you need to do? And you need to go to the SBA website and verify that the NAICS code is authorized for use for EDWOSB. And then the rest of them are kind of similar to the rule of 2. And the award should be made at a fair and reasonable price. And then you can do an EDWOSB set-aside.

[Unintelligible-00:27:53] from the EDWOSB set-aside? That is the question, and the answer is EDWOSB, only. Remember, if you hearken back to those slides that I showed you a few minutes ago, the diagram? We're limiting the pool to EDWOSB only. So you can only receive an offer from EDWOSB.

So here is the second question of the day. If the NAICS code is authorized for WOSB, can the contracting officer still solicit a response from EDWOSB? I will give you two seconds to answer this question. And the answer is yes. I actually rephrased the previous question that I asked you. The previous question, if it is a WOSB set-aside, can EDWOSB submit an offer? I sort of slipped the question, and sort of said it from the contracting officer's perspective. So if this is a WOSB set-aside, you can actually get an offer from WOSB, that's very clear. Remember EDWOSB, they have to meet all the WOSB requirements and, plus economic disadvantage requirements. So they automatically qualify as a WOSB. So again, if it's a WOSB set-aside, if you receive an offer from EDWOSB, yes they meet the requirements and you should accept their offer as they are.

If the NAICS code is authorized for WOSB can the contracting officer set aside procurement for EDWOSB? I will give you two seconds to think about the answer. The answer is, no. Remember a couple slides ago, I said, separate NAICS codes are authorized for use for WOSB and EDWOSB. They do not overlap.

So if you see the NAICS code table says it is authorized for WOSB only, and you decide to set it aside for EDWOSB, what are the possible consequences? We are essentially talking about the competition pool, here. Again, think about the diagram I showed you earlier. The regulation says your competition is (?), but if you decide to limit it to EDWOSB, you are essentially narrowing the pool of competition without SBA authorization. So you have to follow this rule very carefully. I'm going to show you the NAICS code table in a few minutes, but if you would sort of look at those examples, it would make a lot better sense.

Slide 25. And, as I said before, as of December 2015, the contracting officer has the authority to make an award to WOSB or EDWOSB on a sole-source basis. And, again, the criteria are very similar for those for a HUBZone or service-

disabled. The only important distinction here is, again, the NAICS code. You have to make sure the NAICS code is authorized. And, of course, because it is a sole-source contract, it is subject to certain thresholds. If it is a manufacturing acquisition, the contract should not exceed \$6.5 million. If it's all other acquisitions, the threshold is set at \$4 million and, of course, in the contracting officer's estimation, is that contractor deemed responsible with regards to the performance? And can the award be made at a fair and reasonable price?

And if all of these conditions can be met, you can make the award to that particular WOSB. Let me make one, quick important point here. Some of the contracting officers mistakenly believe that you can make a direct award under the WOSB program. The answer is no. I think the confusion might stem from the fact that WOSB programs lies under statutory authority from section 8(m) of the Small-Business Act. So, some people sort of confuse that with the 8 (a) program. 8 (a) is a business development program. And, as such, contracting officers have a specific statutory authority to make a direct award.

What I mean by a direct award, you have to pick a contractor and you can make an award to the contractor without having to go through the Federal Register or just the application approval process. You have the statutory authority to do that under the 8(a) program but the Women-Owned Small Business Program is not a business development program.

So, you do not have statutory authority to make a direct award under the program. So one of the contracting officers asked me in the past (unintelligible-00:33:18)... think of it as an additional tool in your toolbox. If market research comes back and there is only one WOSB and there are multiple large businesses that can perform the requirements, previously you did not have the statutory authority to make the award to the WOSB. But with the authority that you have now, you have the ability to do so. So think of it along that line.

EDWOSB is, again, pretty much identical, but you have to make sure that the particular NAICS code is authorized for EDWOSB. And I'm not going to go over the rest of the rules.

I'm going to go over a couple of examples to illustrate how you can use the Women-Owned Small Business Program to meet your acquisition needs. These are actually examples I pulled from Federal Business Opportunities.gov. For the first one, I have a solicitation calling for the contractor to handle reorganization and delegation requests. NAICS code #561410 -- Documentation Preparation Services -- is assigned to the request. Market research results indicate the rule of 2 can be met for WOSB set-asides. Can I do a set-aside for WOSB? I will give you

a little hint here. I've provided SBA NAICS code table, so the answer is no because, why not? Because, and you see it right here, the NAICS code is authorized for EDWOSB only. Remember -- I said the NAICS codes authorized for WOSB and EDWOSB -- they do not overlap. So here, it expressly states that this particular NAICS code is available for the EDWOSB procurement only. So, you must do a set-aside for EDWOSB, in this case.

All right. Our agency has a need for temporary help services. #561320 -- temporary help services -- was assigned to this procurement. Market research results indicate that the rule of 2 will be met for WOSB and service-disabled set-asides. Can I do a set aside for WOSB? Again, I provided a hint, here. So if you look at the NAICS code assigned to the procurement in the NAICS code table, the answer is no. Because this particular NAICS code -- 561310 -- it is not authorized for use under the WOSB program at all. That's why you could not locate this particular NAICS code here. By the way, on the copy of the slide that you received earlier, the answer is not quite accurate. The answer is no because the NAICS code is not authorized for use under the WOSB program. So if you see that, you can see that the "not" is missing in there.

This is actually an example. On a quarterly basis, I actually put award information from this (unintelligible 00:36:42). I identified at least five agencies that actually made the procurement, made a WOSB set-aside under this NAICS code.

Fortunately, for them, they were able to slide under the radar and no one seemed to protest that decision. But if you actually do that, if you're, and I hate to use the word naughty, you are actually opening yourself up to a possible protest. So you might want to keep that in mind. Just keep it very simple. I think I made it, and I might have made it a little more complicated, but the answer is -- the quickest and simplest way to do this is just go to the SBA NAICS code table and make sure that it is authorized. And if authorized, for which category?

Slide 29. I have a requirement to obtain data concerning newly constructed and/or converted multifamily residential addresses. NAICS code #511210 -- software publishers -- is assigned to the procurement. Can I do a WOSB set-aside? So, if you look at the NAICS table, the answer is yes. Because the NAICS code is authorized for WOSB.

I have a requirement to procure on-site ergonomics consultation and workstation evaluations. NAICS code #541420 -- industrial design services -- is assigned to procurement with a total value of \$5 million. Market research indicates that there is only one EDWOSB that can perform the requirement. I have written Justifications & Approval. Can I do a sole-source to the EDWOSB?

The answer is no. Why. Because, remember the NAICS code is approved for EDWOSB. But remember those contract ceilings that I discussed earlier? \$6.5 million for manufacturing and \$4 million for all other acquisitions. So this one -- the total value is \$5 million. For this NAICS code, the total value is \$5 million, so it exceeds the threshold. So, therefore, you cannot make a sole-source award to the EDWOSB.

And a point about joint ventures. A WOSB or EDWOSB may submit an offer as a joint venture with another small business and compete for WOSB or EDWOSB set-asides. There is only one exception to this small business participant rule. If you have an SBA approved mentor-protégé agreement and the joint venture is falling under that agreement, you are actually exempt from this particular requirement. The first requirement that is listed here.

And also you have to -- because this joint venture is designed to benefit the WOSB or EDWOSB, we need to see the joint venture agreement in a way that the WOSB or EDWOSB actually is driving the ship. So it must contain the following provisions.

Some important points --WOSB or EDWOSB must be managing the joint venture. And WOSB or EDWOSB employee must be designated as the project manager. And WOSB or EDWOSB must own 51% of the joint venture and must receive profits commensurate with the work they perform. So they have all this required information, they need to be in the joint venture agreement. One important point. Unlike the 8(a) joint venture, SBA does not approve WOSB or EDWOSB joint venture agreements. However, if the status of the joint venture is challenged, SBA will adjudicate the process.

So you have set aside as a WOSB set-aside and you and you have entitled it as such, and you see the proposals and you evaluate the proposals and identify the apparent successful offeror. And so there are some important considerations that you need to make at the pre-award stage.

You have to check the SAM to make sure the apparently successful offeror made a representation as a WOSB or EDWOSB eligible under the WOSB program. I'm going to show you what that means in the next slide. And if it is a WOSB or EDWOSB set-aside, and there is only one acceptable offer received from a WOSB, including EDWOSB, FAR says you may make the award to that specific contractor.

And, the last point. It is the contracting officer's responsibility, not SBA's, to check whether the apparent successful offeror has filed all the required documents to the WOSB repository.

Slide 34. So there are two different ways that women-owned small businesses can make a representation as such in SAM -- FAR 52.219-1. So the question is, if a business is represented as a WOSB in SAM, is it eligible for award under the WOSB program? Well, not necessarily.

If you read the guidance, there are a couple of different ways to make a WOSB representation. [Unintelligible-00:42:29] women-owned small businesses that believe that they meet all the requirements, but somehow they are not really interested in pursuing WOSB or EDWOSB set-asides. Maybe they're getting cost of business from small business set-asides or service-disabled set-asides. And you know what? They decide, oh, I don't want to bother with providing documents to SBA.

So, for these firms, they can receive all the work, except for the set-aside awarded under the WOSB program. In order to qualify for an award under the WOSB program, they have to make a distinction. They have to check the box in paragraph (c)4 or (c)5 in FAR 52.219-1. If you read it here, and the regulation is not very clear here, but if you read the (c)4, it says a business concern is WOSB eligible under the WOSB program and has provided all the required documents to the WOSB repository. And (c)5 is for EDWOSB. So you can see the distinction between different types of representation. So if you conducted a procurement in another program, if you have an apparently successful offeror, you want to make sure that they make the right representation.

Complying with FAR 19.1505(e) requirements. So what it is, in essence, contracting officers must verify whether the successful offeror has provided all the required documents. So those of you familiar with the WOSB Program Repository in General Log-in Services, in March 2016, SBA migrated the WOSB Program Repository from GLS to Certify.SBA.gov.

As a result of the migration, we were able to make the system a little bit more user-friendly. I know that one of the major complaints of the GLS was our inability to make it very user-friendly. It was very cumbersome. You had to toggle among different documents. So we actually took that into consideration and we actually put some of the forms online and we put all the information you need to review in one single page.

So that makes what was a relatively painful process, maybe a little less painful. And one of the required documents -- some of the required documents listed in FAR are SBA forms 2413, or 2414, or 413. These forms, please do not look for completed hard copies of these forms. SBA has put all of these forms online. Now, businesses, they complete these forms online. These forms are all

completed online. And businesses are required to add supporting documents when prompted by the system.

So I'm going to show you, actually, one example, later in my presentation. But you should be able to see when you actually click on that link, you should be able to see their response to those questions of the questionnaire 2413 and 2414 , and you should be able to see the supporting documents that they added to each question.

And because this Certify.SBA.gov has a lot of PII -- personally identifiable information -- the access to this personal information is very, very restricted. We only allow it on a need-to-know basis. So when the contracting officer needs to access someone's account, you should request access to the Certify and the contractor must affirmatively approve your request.

And in your evaluation process, any questions on eligibility arise during your evaluation process, you are required to file status protest with SBA. Contracting officers do not have the authority to disqualify the apparent successful offeror from award solely on the ground that it has failed to provide all the required documents. At that point, your option is to turn it around and file a status protest with SBA.

Slide 46. There are three different ways a business can actually qualify as a WOSB. One is to self-certify. And the second option is to get certification from one of the SBA approved certifying entities, and the third one is, if you are an 8(a) firm, an active participant in the 8(a) business development program, you automatically qualify as an EDWOSB.

And there are different lists of documents. There are different paperwork requirements that are required for different types of WOSBs. If they self-certify, because no one has looked at them, they are actually subject to more intense paperwork requirements. So this is a list of documents that they need to provide. The types of documents vary among how the businesses are organized. You probably come across corporations, LLCs, in most cases. Again, the SBA form 2413, along with the program certification, don't look for a hard copy. It is completed online now.

EDWOSB is essentially the same. It is based on form 2414 and now they are completed online, EDWOSB program certification. And because they are claiming economic disadvantage, they are required to provide a financial statement. One thing I would like to highlight here is [unintelligible-00:48:48] CFR says contracting officers are required to validate or attest to the accuracy of these documents. We completely understand, you don't have time, more

importantly, you don't have the access to be able to open these documents to assess are they really legitimate -- I just don't know how to review this.

We are not asking you to read through the whole thing. If you can do that, that would be great. But we're just asking you to actually print out this portfolio of slides and go through a checklist and make sure all the documents are provided. So if you open the documents, are there Articles of Incorporation? Check. So, the next document? Check. So this is how your verification process should work. You have a little bit more ability to discern and to defend these documents -- and if some of the questions come up -- then, at that point, you should file a status protest with SBA, because you think they did not meet their eligibility, but you do not have the authority to make the eligibility determination. Only SBA has that.

[Unintelligible -00:50:08] because third parties already looked at those documents they are subject to streamlined paperwork requirements. If the online forms are filled out and they are required to provide their TPC, their third-party certification, SBA accepts WOSB or EDWOSB certification, only from one of the following four entities. It has to come from one of these four entities. SBA does not accept (?) certification nor DOT certification, DBE, or State certifications.

8(a) -- again, they are subject to streamlined paperwork requirements. They just need to fill out this form online and provide their initial approval letter and the most recent annual renewal letter from SBA.

And SBA conducts eligibility examinations and protests. Again, protests, we can only do -- SBA will process protests only if the protest is against the apparent successful offeror. So if you decide to file a protest at the evaluation stage, if you are going to file a protest against all offerors, SBA will not process them because that would be a premature protest. You have to wait until you identify the apparent successful offeror.

So, quickly on the Certify.SBA.gov. This is the home page of Certify, so if you need to access someone's account information in connection with an EDWOSB, you need to use this active link provided for federal government employees. The link is provided at the bottom.

[Unintelligible-00:52:07] for federal government employees on the Certify Home Page, you must have a MAX.gov account. And if you do not have one, it is easy to create an account there. Then you should be able to link your PIV/CAC card. Again, because the site has a lot of PII, you must request account access and the contractor must approve your request.

And once you register with Certify, and you need to request access to someone's account, this is how you do it. Go to the request navigation bar at the top and click on request access on the left-hand side.

And at the bottom of the page, you will see the search box. You need to type in there, their DUNS number. And if the Certify system says the vendor has not completed registration -- let me take a step back. If the prospective vendor has not completed self-certification, you will see a message "the vendor has not completed registration." At that point, if that's the apparent successful offeror, you need to file a status protest with SBA.

Again, because it has a lot of PII, so you need to put out more information, than just the solicitation number. You have to put in the solicitation number and the NAICS code, and what type of Certify it is. And then you have to agree to the terms and conditions, and then click on request access button, on the bottom.

And once you complete this information, the system will automatically generate an email and send it out to the contractor, so you don't have to send out a separate email and then, once the contractor accepts your request, you will get a system generated email from Certify. It's like the company has approved your request. Please go to Certify.SBA.gov to view more information.

So, once you do that, again, go back to My Requests, and this table will show you where there is a specific contractor, what type of self-certification documents is provided. And, again, there might be some times when that contractor has accepted your request and on the right-hand side, under "View" you will probably see the entire column blank. That means they haven't already completed the self-certification process, and you might have to send an email reminder that they need to do that. Or you also have the option to file a status protest.

So, in order to view their records, again going back to the right-hand side column here and click on the WOSB or the EDWOSB active links. Going back to the point I made earlier this morning, if it's a WOSB set-aside and this particular contractor says I'm an EDWOSB, remember an EDWOSB automatically qualifies as a WOSB. So they have already met those requirements and you should be good to go.

So, this is the last one I have here, reviewing the self-certification summary. Again, this is only a snapshot of the entire page. Again, as I stated before, we put the entire SBA Form 2413 and 2414, on one page. You should be able to see their response. Not only will you get to see that, you will also be able to see the supporting documents. So, in this particular case, it's the [unintelligible 00:56:08] operating agreement showing that 51% is owned by qualifying individuals. So on

the table, below the answer, you should be able to click on each document and each document will be opened up in a separate window. So once you complete your review, you can just exit out of it, but you should be able to see everything in here. So this is what I mean by it being a little bit more user-friendly than the (?) in here.

We try and update our website on a regular basis to keep the users, businesses, and contracting officers apprised of the latest, you know, changes made to the program. So I would like to encourage you to visit those websites and if you have any questions on the program, please send an email to the email address here. I am responsible for monitoring this inbox here so I will be responding to your emails within 48 hours. So if you have any technical questions, feel free to email to certify@sba.gov.

So that's it for my presentation and I will now turn it over to Deborah so she can go over the questions.

Jan: Deborah if you have a couple of questions, that's all we have time for.

Deborah: Well, basically at this time, I feel Amy answered a lot of these in her presentation, It's just one in particular though. If you use a woman-owned set-aside with a Federal Supply Schedule, are the requirements the same as far as the women-owned small-business repository requirements?

Amy: Yeah, so the Federal Supply Schedule. Yeah, if you decide to set aside a task order for women-owned small businesses, you are still required to validate this information. That your apparent offeror has provided all the required documents.

Deborah: Okay, and there is one classification question. You mentioned about the certification that the box and checks mean. I wanted to ask which clause do they select for a c(4) to be considered as a women-owned small business?

Amy: If I recall correctly c(4) is the one where the business concern is a WOSB, eligible under the WOSB program. Yeah, so they should be able to pursue WOSB set-aside. You know the FAR and the CFR both provide that contracting officers are required to rely on their SAM references as an accurate representation of their status. So if they are about to check for c(4) for WOSB eligible under the WOSB program or c(5) EDWOSB eligible under the WOSB program, I'm pretty sure both of these categories are eligible to compete for a set aside and receive awards under the program.

Deborah: Okay, I know that's all we have time for.

Jan: Amy, thank you for providing the slide where women can address questions to the Women-Owned Small Business Program to the email address at WOSB@SBA.gov. And thank you very much for listening in. Your slides were excellent and thanks very much, Amy.

Moderator: Thank you for joining today's conference. The session has now concluded, and you may disconnect.

[End of Recording]