



The Women's Procurement Program

The Women's Procurement Program will allow contracting officers the ability to restrict competition to women-owned small businesses (WOSBs) if the procurement falls within one of the eighty-three (83) North American Industry Classification System (NAICS) codes, which can be accessed [here](#). Any woman business owner interested in participating in this program must certify her business as a WOSB.

Federal agencies establish programs by issuing "rules." The Final Rule for this program can be accessed [here](#).

History

In 2000, Public Law 106-554 established a women's procurement program to assist the government in meeting its contracting goal of 5% with women-owned companies. The federal government has never met its women-owned goal, awarding only 3.7% of its direct contracts to women-owned firms in FY2009. The law required the SBA to identify industries in which women business owners were underrepresented in federal contracting.

In 2007, the SBA proposed a flawed rule which would have allowed contracting officers to restrict competition to WOSBs in only four (4) industry categories. An onerous finding of past discrimination by agencies would have been required before any contracts could have been part of the program. WIPP was instrumental in halting the proposed program, which was ultimately scrapped by the SBA.

In March 2010, the SBA released a revised proposed program that expanded the eligible industry categories to eighty-three (83), and removed the agency discrimination finding requirement. In October 2010, the SBA released its final program which will take four months to put in place. WIPP strongly supports the program.

Eligible Industry Categories (83)

- Contracting officers are permitted to restrict competition to WOSBs in eighty-three (83) industry categories, based on four digit NAICS codes. Eligible NAICS codes fall into two categories:
 1. "Substantially Underrepresented" includes thirty-eight (38) industry categories.
 - If the industry is classified as "substantially underrepresented," all small, women-owned businesses can participate.
 2. "Underrepresented" which includes forty-five (45) industries.
 - If the industry is classified as "underrepresented," the business must show that in addition to being woman owned, it is also "economically disadvantaged."

Economic Disadvantage Definition

- Industries in the “underrepresented” category require that the WOSB show that it is “economically disadvantaged.”
- To qualify as “economically disadvantaged,” a business owner must show that:
 - Personal Net Worth does not exceed \$750,000.
 - Personal Income does not exceed \$350,000 averaged over the preceding three years.
 - Fair Market Value of All Assets does not exceed \$6 million.
 - Spousal Financial Condition is considered where a spouse has a role in the business (e.g. officer or employee) and/or has a financial interest in the business.

WOSB Requirements

- Must be a small business; SBA size standards apply.
- Women-owned and controlled firm: 51% or more owned by one or more women, where the day-to-day management and long-term decisions are made by the one or more women.
- Must be certified as a woman owned business by either a third party approved by the SBA or self-certify by submitting relevant documents required by the program.

Contract Qualifications

- Size of the contracts eligible for restricted competition:
 - \$5 million for manufacturing contracts.
 - \$3 million for other goods and services.
- Contracting officer must determine that there is a reasonable expectation that two or more WOSBs will submit offers for the contract.
- The price of the contract that is awarded must be fair and reasonable.
- Joint ventures are possible, so long as the WOSB manages the contract and 51% of the profits go to the WOSB.
- Contracts currently being performed by an 8(a) are not eligible.
- Sole-source contracts are not a part of this program.

Certification

- Woman-owned businesses may either self-certify or certify through third parties approved by SBA.
- Regardless of the certification method, every woman-owned business must ensure that all requirements for the following three databases are met:
 - Central Contractor Registration (CCR).
 - “WOSB Program Repository,” to be established by the SBA.
 - Online Representations and Certifications Application (ORCA).

Enforcement

- Any business that falsely certifies or misrepresents the status of its business to procure contracts under the women's procurement program will be disbarred.
- A "status protest" may be filed with SBA's Office of Hearing and Appeals if the contracting officer or third party disputes the eligibility of a WOSB.
- SBA can conduct site visits without notification.