



Government Contracting Programs

For Your Small Business

Women-Owned Small Business Program (WOSB)

- 13CFR127.200



Eligibility Requirements

- **EDWOSB**

- ***A small business*** as defined in part 121 for its primary NAICS code
- ***At least 51% unconditionally and directly owned and controlled*** by one or more woman who are US citizens and are economically disadvantaged controlled by 1 or more women owned business

- **WOSB**

- ***A small business*** as defined in part 121 for its primary NAICS code
- ***At least 51% unconditionally and directly owned and controlled*** by 1 or more women owned business

EDWOSB

- Personal financial condition of the woman claiming economically disadvantage, including:
 - ***Personal income for the past 3 years*** (including bonuses, and the value of company stock given in lieu of cash)
 - ***Personal net worth***
 - ***Fair market value of all assets***, whether encumbered or not

EDWOSB

- Spouse's financial situation.
 - SBA may consider a spouse's financial situation in determining a woman's access to credit and capital
 - When married must submit separate financial information for the spouse unless legally separated
- Personal income
 - If adjusted gross yearly income average for the last 3 years preceding the certification exceeds \$350,000, SBA will presume that she is not economically disadvantaged

EDWOSB

- Income received by LLC, S corporation or partnership will be excluded from an individual's income where the EDWOSB provides documentary evidence demonstrating that the income was solely for the purposes of paying taxes arising in the normal course of operations

Fair Market Value

- Of all assets (including her primary residence and the value of the business) exceeds \$6 Million



Requirements

- At the time a concern submits an offer on a specific contract reserved for competition under this program, it must be registered in SAM
- Business must be registered in SAM.
- Have provided the required documents to the WOSB Program Repository or if not available be prepared to submit the documents to the contracting officer if selected as the apparent successful offeror

Requirements

- The concern must submit a copy of the WOSB Program Certification to the WOSB Program Repository and representations
- Must certify that:
 - EDWOSB or WOSB
 - there have been no changes in its circumstances affecting its eligibility since certification
 - the concern meets each of the applicable individual eligibility requirements

Requirements

- ***Must certify that concern is a small business*** under the size standard assigned to the procurement
- ***It is at least 51% owned and controlled*** by one or more women who are US citizens and are economically disadvantaged; and

Documents To Contracting Officer

- *All of the documents set forth must be provided to the contracting officer to verify eligibility at the time of initial offer.* The documents will be provided via WOSB Program Repository or if repository unavailable straight to Contracting Officer
- Documents must be retained for 6 years

5 Steps to participate in the WOSB program:

- Read the WOSB Federal Contract program regulations in the [Code of Federal Regulations \(CFR\)](#) and the WOSB [Compliance Guide](#)
- Register in SYSTEM FOR AWARD MANAGEMENT (SAM) as WOSB and/or EDWOSB
- Log onto SBA's [General Login System](#) (GLS) **Obtain an account now if you don't already have one*
- Go to the WOSB program repository (through GLS) and upload/categorize all required documents as outlined in the Compliance Guide
- Represent your status in SYSTEM FOR AWARD MANAGEMENT (SAM)

WOSB Program Repository

- To access the WOSB Program Repository, users must first login to SBA's [General Login System](#) (GLS). If you do not have an account:
- Log onto SBA's [General Login System](#) (GLS)
- Click on “Instructions for GLS” for information on how to request an account
- Go to “Request SBA User ID” to create an account
- Once you are in GLS, click the “Access” button at the top of the screen. Then select “Women-Owned Small Business Program Repository” and press submit. You should then be able to access the repository. Upload the required documents as outlined in the WOSB Compliance Guide. *
- *Once you are in the repository, you can click the “Help” button at the top of the screen for instructions/assistance to use the repository

THIRD PARTY CERTIFIERS

- [El Paso Hispanic Chamber of Commerce](#)
- [National Women Business Owners Corporation](#)
- [US Women's Chamber of Commerce](#)
- [Women's Business Enterprise National Council \(WBENC\)](#)

WOSB QUESTIONS

- UTAH DISTRICT POINT OF CONTACT
- MELINDA WORKMAN (801) 524-3213
 - 13 CFR 127
- For assistance with self-certifying for the WOSB/EDWOSB program contact Ann Marie Thompson at the SL Chamber Women's Business Center (WBC) ph: 801-328-5052 or amthompson@slchamber.com to schedule an appointment

Service Disabled Veteran Owned Business



Ownership

- 51% unconditionally & directly owned by 1 or more service-disabled veterans
- **Ownership must be direct**
 - A concern owned principally by another business entity that is in turn owned & controlled by one or more **SDVOB is not allowed.**
- **Partnership**
 - at least 51% of every class of partnership interest must be unconditionally owned by one or more SDV
 - Ownership must be reflected in the concern's partnership agreement
- **Limited Liability Company**
 - 51% of each class of member interest must be unconditionally owned by one or more SDV
- **Corporation**
 - At least 51% of aggregate of all stock outstanding and at least 51% of each class of voting stock outstanding must be unconditionally owned by 1 or more SDV

CONTROL

- The management and daily business operations of the concern must be controlled by one or more service-disabled veterans.
 - Control by one or more service-disabled veterans means that both the long-term decision making and the day-to-day management and administration of the business operations must be conducted by one or more service-disabled veterans
 - The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse of permanent caregiver of such veteran

Control

- *Management and daily business operations of the concern must be controlled* by 1 or more SDVOB
- *Both the long-term decisions making and day-to-day management and administration of business operations* has be controlled by 1 or more SDVOB
- Managerial Position and Experience
 - Service-disabled veteran (or in the case of SDV with permanent & server disability, the spouse or permanent caregiver of such veteran) *must hold the highest officer position in the concern* (i.e. President, CEO) and MUST have managerial experience of the extent and complexity needed to run the concern
 - Service-disabled veteran need not have the technical expertise or possess the required license to be found to control the concern if the SDV can demonstrate that *he/she has ultimate managerial and supervisory control over those who possess the required license or technical expertise*

Control

- **Partnership**
 - 1 or more SDV must serve as general partners, with control over all partnership decisions
- **Limited Liability Company**
 - Must serve as managing members, with control over all decisions of the LLC
- **Corporation**
 - Must control the Board of Directors and have the percentage of voting stock necessary to overcome any super majority voting requirements
 - Or
 - SDV comprise the majority of voting directors through actual numbers or, where permitted by state law, through weighted voting

Size Standards

- At time of contract offer, an SDVOB must be small within the size standard corresponding to the NAICS code assigned to the project
- If the contracting officer is unable to verify that the SDVOB is small, the concern shall be referred to the responsible SBA Government Contracting Area Director for a formal size determination
- A concern may have affiliates provided that the aggregate is small. See 13 CFR 121

What requirements must an SDVOB meet to submit an offer on a contract?

- Be registered in SAM and self-certified as a SDVOB
- SDVOB MUST submit the following with representations with its initial offer on a specific contract:
 - It is an SDVOB
 - It is small under the NAICS code assigned to the procurement
 - It will meet the percentage of work requirements. See 13CFR125.6

Does SDVOB status guarantee a contract?

- No, must market its capabilities to appropriate procuring agencies in order to increase their prospects of having a procurement set-aside for SDVOB

SDVOB QUESTIONS

- 13CFR 125



BREAK

HUBZone Program



HUBZone Program

- Purpose is to provide federal contracting assistance for qualified small business concerns located in **H**istorically **U**nderutilized **B**usiness **Z**ones in an effort to increase employment opportunities, investments, and economic development in such areas

Benefits of the HUBZone Program

- **Geographic-based Preferential Access** to Set Aside Contract Opportunities
- **Limited Competition** – Fewer HUBZone Firms than 8(a) Firms
- **10 percent Price Differential Advantage** on Competitive Bids Against Large Firms
- **No Fixed Participation Term** like the 8(a) Program
- **No Economic or Social Disadvantage Qualifying** like the 8(a) Program

What determines HUBZone Areas?

1. Qualified census tracts
2. Qualified non-metropolitan counties
3. Lands within the external boundaries of an Indian reservation
4. Qualified base closure area
5. Re-designated areas - Qualified census tracts

What Determines a 'QUALIFIED' Census Tract or Area?

A. Average Household Income

B. Average Unemployment Rate

Data from the US Census Bureau is used one or more times a year to designate or re-designate a Qualified HUBZone area.

In some cases, re-designated areas may qualify under only one of the two major measurements above.

Ownership Requirements - Tribal

- Tribally owned firms must be wholly owned by 1 or more Indian Tribal Governments
- Firm must be wholly owned by corporation that is wholly owned by 1 or more Indian Tribal Governments
- Firm must be owned in part by 1 or more Indian Tribal Governments and all other owners are either United States citizens or small business concerns
- Size – Firm with its affiliates, must meet the size standard corresponding to primary NAICS

Other Requirements - Tribal

- Firm must either
 - Maintain a principal office within a HUBZone location and ensure that at least 35% of its employees reside in a HUBZone

Or

- Certified that when performing HUBZone contracts, at least 35% of employees engaging in performing that contract will reside within Indian reservation

Firms Owned by U.S. Citizens, ANCs, CDCs

- Ownership
 - **U.S. Citizens** -51% unconditionally & directly owned & controlled by persons who are U.S. citizens
 - **ANC** owned & controlled by Natives or a direct or indirect subsidiary corporation, joint venture or partnership of an NAC qualifying pursuant to section 29€(1) of ANCSA
 - Wholly owned by a **CDC** or owned in part by 1 or more CDCs, if all other owners are either U.S. citizens or small business concerns

Size

- Concern together with affiliates, must qualify as a small business under the size standard corresponding to its primary NAICS code



Other Requirements

- **Principal Office** - Concern's principal office must be located in a HUBZone
- **Employees** – **At least 35%** of concern's employees who work at the principal office must reside in a HUBZone.
 - When determining number of employees that reside in a HUBZone, if the percentage results in a fraction, round up to the nearest whole number
- **Contract Performance** – Concern must represent, as provided in application, that it will “attempt to maintain” having 35% of its employees reside with a HUBZone during the performance of any HUBZone Contract it receives

Other Requirements

- **Subcontracting** – Concern must represent as provided in the application that it will ensure that it will comply with certain contract performance requirements in connection with contracts awarded to it as a qualified HUBZone small business concern

Contract Performance

- HUBZone Firm must meet performance of work requirements
 - **Services Contracts** (except construction): **at least 50%** of the cost of contract performance incurred for personnel.
 - **General Construction Contract** : **at least 15%** of the cost of contract performance incurred for personnel.
 - **Specialty Trade Construction**: **at least 25%** of the cost of contract performance incurred for personnel.
 - **Manufacturing Contracts**: **at least 50%** of the manufacturing cost (excluding the cost of materials)
- May subcontract remainder of the contract

Private Ownership

- **Corporations** – person who owns stock, whether voting or non-voting, to be an owner, SBA considers options to purchase stock and the right to convert debentures into voting stock to have been exercised.
- **Partnerships** – all partners, whether general or limited to be owners in a partnership
- **Sole proprietorships** – proprietor is the owner
- **LLC** – SBA considers each member to be an owner

Control

- Means **both** the day-to-day management & long-term decision-making authority
- Many persons share control of a small business, including each of those occupying the following positions:
 - Officer
 - Director
 - General partner
 - Managing partner
 - Managing member
 - Manager

Control & Size

- **Control** - Key employees who possess expertise or responsibilities related to the concern's primary economic activity may share significant control over the concern
- **Size** –At time of application concern must meet SBA's size standards for its primary NAICS code. If SBA is unable to verify that concern is small, SBA may deny the concern status as a qualified HUBZone small business

Or

- SBA may request a formal size determination

Where is the application

- Concern seeking certifications for HUBZone must submit either an electronic application to SBA

<http://www.sba.gov/content/applying-hubzone-program>

Or

- A written application

Documentation & Approval

- Documentation
 - Submit completed application
 - Other documentation upon request
- Approval
 - Takes 90 to 160 days
 - Cannot rush approval process

Where to find list of HUBZone Firms?

- DSBS –

http://dsbs.sba.gov/dsbs/dsp_dsbs.cfm

- HUBZone page –

<http://www.sba.gov/hubzone>

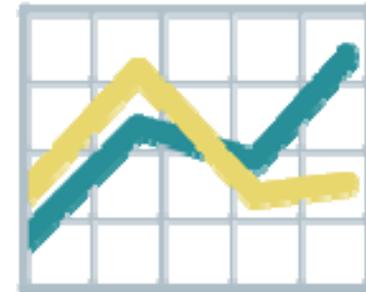
HUBZONE QUESTIONS

- 13 CFR 126
- 13 CFR 125.6(c)



What is the 8(a) Business Development Program?

- Sections 8(a) and 7(j) of the Small Business Act authorize a Minority Small Business and Capital Ownership Development program
- To assist eligible small disadvantaged business concerns to compete in the American Economy
- A Nine (9) year program



Basic Requirements

1. Small Business
2. Unconditionally owned and Controlled by one or more socially and economically disadvantaged individuals
3. Good Character
4. Citizens of & residing in the USA
5. Potential for Success

Benefits

- **Sole Source Contracts**
 - Up to \$4 million for services
 - Up to \$6.5 million for manufacturing
- **Competitive 8(a) Contracts**
 - For 8(a) firms only, limited playing field
- **Executive Level Training**
 - Through 7(j) SBA provides free executive level training on various subjects through online webinars
- **Other trainings**
 - Provided by SBA and or resource partners

Size

- Classification System (NAICS) code designation which best describes the primary business activity of your business
<http://www.census.gov/eos/www/naics>
- Must be small business concern for its primary industry classification
<http://www.sba.gov/content/small-business-size-standards>
- Primary industry classification means the six (6) digit North American Industry
<http://www.sba.gov/tools/size-standards-tool>

Who is Socially Disadvantaged?

1. Black Americans
2. Hispanic Americans
3. Native Americans
4. Asian Pacific Americans
5. Subcontinent Asian Americans

Members of non-designated groups must prove discrimination

- 1 objective distinguishing feature that has contributed to social disadvantaged, such as race, ethnic origin, gender, physical handicap, long-term residence in an environment isolated from mainstream American society
- Personal experiences of substantial and chronic social disadvantaged in American society

Members of non-designated groups must prove discrimination

Examples Include:

- Negative impact on entry into or advancement in the business world due to disadvantage
- Denial of equal access to institutions for higher education, exclusion from social & professional association
- Employment – unequal treatment in hiring, promotions etc.
- Unequal access to credit or capital

Economically Disadvantage

- Are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in similar industries
- Married, must submit separate financial information for the spouse
- Personal Net Worth – less than \$250,000.

Non Participant

- Non-disadvantaged individual or concern that is a general partner or stockholder with at least a 10% ownership interest in one Participant may not own more than a 10% interest in another Participant that is in the Developmental Stage or more than 20% interest in another Participant in the Transitional Stage of the program.

Unconditionally owned

- 51% unconditionally and directly owned by one or more socially and economically disadvantaged individuals
- Must be U.S. Citizens
 - Exception: Tribally Owned Firms, Native Hawaiian Firms, Alaska Native Corporations, or Community Development Corporation
- Ownership must be direct

Entities

- Partnership -51 % of every class of partnership interest must be unconditionally owned by one or more disadvantaged individuals
- Limited Liability Company – 51% of each class of member interest must be unconditionally owned by one or more disadvantaged individuals

Entities

- Corporation – 51% of each class of voting stock outstanding and 51% of aggregate of all stock outstanding must be unconditionally owned by one or more individuals determined by SBA to be socially and economically disadvantaged individuals

CONTROL

Control is not the same as ownership

- SBA regards control:
 - *Strategic policy setting* exercised by board of directors
 - *Day-to-day management* and administration of business operations conducted by disadvantaged person
 - Must be managed by disadvantage individual(s) on a *full time basis* that *possess requisite management capabilities*

CONTROL

- Disadvantage individual *must possess managerial experience* of the extent and complexity needed to run the concern
- Need not have technical expertise or a required license IF – can demonstrate that disadvantaged has ultimate managerial and supervisory control over person with technical expertise or required license
- Non-Disadvantaged equity holder cannot hold license

CONTROL

- Partnership – disadvantage must serve as general partners with control over all partnership decisions
- LLC – disadvantage must serve as management members with control over all decisions of LLC
- Corporation – disadvantage must control board of directors

Potential for Success

- Must possess reasonable prospects for success in competing in the private sector if admitted into the program
- **Must be doing business in its primary NAICS Code for at least two years immediately prior to the date of its 8(a) application**
- **Must have two full years of tax returns showing operating revenues in primary NAICS code**

Potential for Success

- SBA considers
 - *technical and managerial experience* of the concern's managers
 - *operating history* of the concern (2 years+)
 - *record of performance* on previous federal and private sector contracts *in the primary industry* in which the concern is seeking 8(a) BD certification
 - *financial capacity*
- Disadvantaged Individual Must demonstrate
 - *technical knowledge* in the primary industry category
 - *management experience* sufficient to run day-to-day operations

Two Year Waiver Must Meet All 5

1. Disadvantaged individual(s) have substantial business management experience
2. Demonstrate technical experience to carry out its business plan with a substantial likelihood for success
3. Have adequate capital to sustain its operations and carry out its business plan
4. Record of successful performance on contracts from governmental or nongovernmental sources in its primary industry
5. Can demonstrate its ability to timely obtain the personnel, facilities, equipment, and any other requirements needed to perform contracts

Not Allowed

- Poor character (legal issues)
- Violation of any of SBA's regulations - may result in denial of participation in the program
- Debarred or suspended concerns
- Questionable business integrity
- Currently incarcerated, or on parole, or on probation
- Knowingly submit false information to SBA

Eligibility

- One-time Eligibility
 - Firm
 - Disadvantaged individual(s)
- Wholesalers – not allowed
- Brokers – not allowed
- Any illegal activity – not allowed
- Not meeting federal obligations – not allowed unless workout plan is in place and current

Who is a Company Principal?

- Principals include:
 - Owner(s) of more than 10%
 - Officers
 - Directors
 - Members
 - Partners
 - Key Employees



Documents Needed To Apply

- **Firm's** signed and dated federal tax returns over the **past three years** to include all schedules and attachments
- **Personal** signed and dated federal tax returns for the **past three years** to include all schedules and attachments
- **Firm's** balance sheet and profit and loss statements for **past three years** including most recent, current financials within 90 days of application
- List of all federal, non-federal and private sector contracts for the past two years

Documents to Apply

- Lease agreements
- Signature authority on firm bank account(s) (signature cards and or letter from bank)
- Contributions used to acquire ownership for each owner
- Any transfer of assets to/from the firm
- Any transfer of assets to/from any of its owners over the past two years

Documents to Apply

- **State filings** (signed, dated and stamped by the state where the firm does business)
 - Certificate of good standing
 - Foreign corporation filings
 - Articles of Incorporation, Articles of Organization
 - DBA (doing business as) filings
- **Governing Documents** signed by principals
 - Bylaws, operating agreements, partnership agreements
 - Meeting minutes
 - Stock certificates and ledgers

Documents to Apply

- Majority Owners and Firm Managers
 - Proof of *social disadvantage*
 - Proof of *economic disadvantage*
- Background information & personal information for all principal(s)
- Resumes
 - Completed Statement of Personal History form
 - Proof of U.S. Citizenship or naturalization
 - Duties within the firm and time devotion
 - List of other business interests and time devotion
 - Nature of outside employment and time devotion

Documents to Apply

- Financial information **for all principals**
 - Signed and *dated personal tax returns for last 3 years* to include all schedules and attachments
 - Completed *personal financial statement form (from individual and spouse)*
 - List of all assets, liabilities, real estate and other personal property, including transferred assets
 - Information on delinquent federal obligations, past due taxes or liens, bankruptcy filings and pending civil lawsuits
 - List of SBA loans for firm and other businesses owned by the principal(s)

Additional Documentation

- Complete 8(a) Business Development Program Application [online](#)
[SBA Form 1010](#)
- Complete [additional SBA Forms online](#)
 - **SBA Form 912** Statement of Personal History
 - **SBA Form 413** Personal Financial Statement
 - **SBA Form 1623** Certification Regarding Debarment, Suspension and Other
 - **IRS Form 4506T** Request for Transcript of Tax Return
 - **SBA Form 1790** Representatives Used & Compensation Paid For Services in Connection with Obtaining Federal Contracts
- Mail supporting documents to SBA

WHERE TO APPLY

- Must file electronic application - <https://sba8a.symplicity.com/applicants/guide>

Where To Go To Get Help?

- Small Business Development Centers (SBDC) –
– www.utahsbdc.org/
- SCORE – www.saltlake.score.org
- ***Women's Business Center -**
<http://www.slchamber.com/section/list/view/wbc>
- *WBC specializes in helping businesses with Federal Government Contracting

Application Process

- Submit the application online and send supporting documentation by mail (Return Receipt Requested)
- SBA will review the application & will notify you if it is complete
 - SBA will notify the applicant if the application is incomplete
 - *Must respond within timeframe specified*
- Expect 90 to 180 days to process

QUESTIONS ON 8(A) BD

- 13 CFR 124 Covers 8(a) BD Program
- 13 CFR 121 Covers Size Standards

