



SOCIAL SECURITY

MEMORANDUM

Date: February 22, 2021

Refer To: S1QC

To: Office of Acquisition and Grants Staff

From: Kevin Muñiz *Kevin P. Muñiz*
Technical Advisor, Office of Acquisition Support

Subject: Flash Notice (FN) 19_21-01, Class Deviation from the Federal Acquisition Regulation (FAR) to implement the Small Business Association (SBA) rule that revises 13 CFR 127 concerning status as a Women-Owned Small Business (WOSB) and Economically Disadvantaged Women-Owned Small Business (EDWOSB) to be eligible under the Women-Owned Small Business Program (WOSB Program).

Purpose

This FN informs the contracting staff of the agency's execution of a FAR class deviation to implement the SBA rule that revises 13 CFR 127 concerning status as a WOSB and EDWOSB to be eligible under the WOSB Program. The class deviation provides procedures for contracting officers to use as described in the attached January 29, 2021 Civilian Agency Acquisition Council (CAAC) Letter 2021-01.

Policy

- 1) Effective immediately, the following procedures are for contracting officers to use in lieu of the procedures at FAR 19.1503(b) through (d) to verify the eligibility of a concern for a set-aside or sole-source award under the WOSB Program. Contracting officers shall make clear in their solicitation the inclusion of these new procedures by providing a statement in the solicitation information section similar to the statements below:
 - a) For Set-Aside awards for WOSB concerns or EDWOSB concerns eligible under the WOSB program:

“If the offeror is not designated as certified or does not have a pending application for certification in the Dynamic Small Business Search (DSBS) at the time of the submission of the offer, its offer is not eligible for award and will be removed from consideration. Any award resulting from this solicitation will be made to a WOSB or EDWOSB concern

designated as certified as a WOSB or EDWOSB concern in DSBS. The DSBS website is located at https://web.sba.gov/pro-net/search/dsp_dsbs.cfm. The WOSB and EDWOSB representations completed in response to FAR provisions 52.212-3, 52.219-1, or 52.219-28 will not be used for this award.”

- b) For Sole-Source awards for WOSB concerns or EDWOSB concerns eligible under the WOSB program:

“A concern must already be certified at the time of submission of the offer. Any award resulting from this solicitation will be made to a WOSB or EDWOSB concern designated as certified as a WOSB concern eligible under the WOSB program or EDWOSB concerns in the Dynamic Small Business Search (DSBS). The DSBS website is located at https://web.sba.gov/pro-net/search/dsp_dsbs.cfm. The WOSB and EDWOSB representations completed in response to FAR provisions 52.212-3, 52.219-1, or 52.219-28 will not be used for this award.”

- 2) For WOSB or EDWOSB set-asides, if the concern becomes the apparently successful offeror while its WOSB or EDWOSB application is pending, the contracting officer shall email the SBA’s Director of Government Contracting at WOSBpendingcertification@sba.gov. SBA will complete a determination within 15 calendar days of receipt of the email. If a determination is not provided to the contracting officer within that timeframe, the contracting officer may either grant SBA an extension, or presume the concern is not an eligible WOSB or EDWOSB and make award to the next highest evaluated offeror.
- 3) For WOSB or EDWOSB set-aside or sole-source procurements, contracting officers shall only make an award to a concern that is designated as certified as a WOSB or EDWOSB in DSBS.

Background

As of October 15, 2020, the WOSB Program Repository is no longer the source for WOSB and EDWOSB representation status. SBA’s DSBS will serve as the point of reference to determine the status of WOSB or EDWOSB concerns until SBA certification status is implemented within the System for Award Management.

Further Information

Please direct questions regarding this FN to Mike Traino, Procurement Analyst, DPPCA, at Michael.Traino@ssa.gov or via ext. 6-3780.

Attachments

Attachment 1 - CAAC Letter 2021-01



1.29.2021 CAAC
Letter 2021-01 WOSI