



June 6, 2013

Ms. LeAnn Delaney  
Assistant Director  
Office of Contract Assistance  
U.S. Small Business Administration  
409 Third Street SW  
Washington, DC 20416

**RE: SBA Women-Owned Small Business Federal Contract Program;  
Federal Register Volume 78, Number 88 (May 7, 2013); RIN 3245-AG55**

Dear Ms. Delaney,

Women Impacting Public Policy (WIPP) is pleased to submit comments to the U.S. Small Business Administration (SBA) on the interim final rule, “Women-Owned Small Business Federal Contract Program,” identified by RIN 3245-AG55.

WIPP is a national, nonpartisan public policy organization, advocating on behalf of more than one million women-owned businesses and representing 68 business organizations. As champion and leading advocate for the Women-Owned Small Business Federal Contract program since its inception, WIPP strongly supports the removal of the statutory dollar limits and applauds the urgency with which the SBA has acted to implement this much-needed change.

### Background

The Women-Owned Small Business Federal Contract program (“WOSB procurement program”) is an important tool helping women-owned small businesses enter the public sector by contracting with the federal government. The program also represents an essential mechanism to help the government reach its 5% women-owned small business contracting goal—a goal it has never met. More important than simply meeting this goal, however, is including more women-owned small businesses in the procurement process. An increasingly effective WOSB procurement program can help achieve that broader aim.

WIPP has been an outspoken advocate of a program to support women-owned small business procurement since our founding in 2001. It took more than a decade of work from the passage of the Consolidated Appropriations Act of 2000 (P.L. 106-554), which required

the program's establishment, to finally implement the WOSB procurement program. Along the way, WIPP worked closely with the Congress, SBA and two Administrations to build the program into its current form. WIPP fought, and will continue to fight, for the program's success and the broader inclusion of women-owned small businesses in federal contracting.

To date, the WOSB procurement program has facilitated fewer than 1,300 contracts totaling less than \$100 million. That is well short of its true potential, and in comparison, only half the cost of a single fighter jet.<sup>1</sup> WIPP is optimistic that the WOSB procurement program will provide another avenue by which contracting officers can increase opportunities for women-owned small businesses—eventually meeting and exceeding the government-wide goal of 5%.

WIPP has advocated for improvements to the WOSB procurement program including increased education to contracting officers about the program, outreach efforts to women business owners and the removal of the statutory dollar limits. Most recently, in 2013, WIPP launched a national campaign, in partnership with the SBA and American Express OPEN, to boost government contracting opportunities for women-owned small businesses.

The initiative, ChallengeHER, provides women entrepreneurs with the knowledge and connections they need to successfully compete in the government marketplace through workshops, an online curriculum and mentoring opportunities. The removal of the statutory dollar limits in conjunction with this partnership should greatly increase the efficacy of the WOSB procurement program and secure more contracts for women-owned small businesses.

WIPP believes implementation of the award restriction removal as required by Section 1697 of the FY2013 National Defense Authorization Act (P.L.112-239) will greatly strengthen the WOSB procurement program. That provision amended the program by removing the dollar limits placed on contracts that women-owned small businesses could compete for under the program. Before the enactment of P.L. 112-239, contracts were limited to \$6.5 million for manufacturing contracts and \$4 million for all other contracts.

### Comments

WIPP advocated for the removal of the statutory dollar limits in the WOSB procurement program and requested the SBA expedite the regulatory process to make this important change effective as soon as possible by issuing an interim final rule. WIPP applauds the SBA's action with respect to removal of the award caps which, in our opinion, hampered the program.

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<sup>1</sup> As of June 6, 2013 the federal government had set-aside 1,224 contracts via the WOSB procurement program totaling \$95.4 million dollars. The plane referenced is the F-35C at a fly away cost of \$199,408,000 as described in the Department of the Navy FY2013 Budget Estimates (Aircraft Procurement Vol. I, BA 1-4., pp. 1-29, 1-43).

The arbitrary award amounts of \$6.5 million and \$4 million, for manufacturing and all other contracts respectively, limited the effectiveness of the WOSB procurement program by restricting contract awards. By limiting the dollar value of contracts that could be set-aside, the WOSB procurement program was handicapped in its ability to serve as an effective mechanism to assist women-owned small businesses in competing for federal contracts.

Furthermore, prior to the enactment of P.L. 112-239, the WOSB procurement program was the only government contract assistance program that faced restricted award caps. This change is an important step toward bringing the WOSB procurement program closer to a level playing field with respect to other small business government contract assistance programs and increasing the presence of women-owned small businesses in federal procurement.

WIPP strongly supports the SBA's decision to expedite the implementation of Section 1697 by opting to make the change via an interim final rule. Although the rule took effect on the date of publication, May 7, 2013, it is still pending approval by the White House's Federal Acquisition Regulatory (FAR) Council. On May 16, 2013 the Department of Defense (DOD) issued a class deviation that lifted the dollar cap restrictions effective immediately.<sup>2</sup> We encourage other federal agencies to do the same pending the final adoption by the FAR Council.

### Conclusion

WIPP urges the swift adoption of this interim final rule, which will enhance the WOSB procurement program and lead to more opportunities for women-owned small businesses seeking to contract with the federal government. This is an important step toward maximizing federal contracting opportunities for women-owned small businesses and assisting the federal government in meeting its 5% contracting goal for women-owned companies.

On behalf of our members, WIPP appreciates the SBA's timely action on this matter and the opportunity to provide comments. Should you or anyone else have any questions regarding these requests, please do not hesitate to contact us.

Sincerely,



Barbara Kasoff, President  
Women Impacting Public Policy

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<sup>2</sup> Memorandum from Director Richard Ginman, Defense Procurement and Acquisition Policy. May 16, 2013. "Class Deviation—Removal of Dollar Limitations for Set-asides Under the Women-Owned Small Business Program." Accessible at: <http://www.acq.osd.mil/dpap/policy/policyvault/USA002662-13-DPAP.pdf>