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Acquisition & Assistance Policy Directive (AAPD)

From the Director, Office of Acquisition & Assistance Issued: April 9, 2021

AAPD 21-02

Status for small business concerns eligible under the Women-Owned Small Business Program.

Subject Category:	ACQUISITION MANAGEMENT
Type:	POLICY

AAPDs provide information of significance to all agency personnel and partners involved in the Acquisition and Assistance process. Information includes (but is not limited to): advance notification of changes in acquisition or assistance regulations; reminders; procedures; and general information. Also, AAPDs may be used to implement new requirements on short-notice, pending formal amendment of acquisition or assistance regulations.

AAPDs are EFFECTIVE AS OF THE ISSUED DATE unless otherwise noted in the guidance below; the directives remain in effect until this office issues a notice of cancellation.

This AAPD: Is New Replaces/ Amends CIB/AAPD No:

<p>Applicable to:</p> <p><input type="checkbox"/> Existing awards; <input type="checkbox"/> Modification required</p> <p><input type="checkbox"/> No later than</p> <p><input type="checkbox"/> As noted in guidance below</p> <p><input checked="" type="checkbox"/> RFPs issued on or after the effective date of this AAPD</p> <p><input type="checkbox"/> Other or N/A</p>	<p>Precedes change to:</p> <p>AIDAR Part(s) Appendix</p> <p><input type="checkbox"/> USAID Automated Directives System (ADS) Chapters</p> <p><input type="checkbox"/> Code of Federal Regulations</p> <p><input checked="" type="checkbox"/> Other FAR 19. 1503(b) through (d)</p> <p><input type="checkbox"/> No change to regulations</p>
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New Provision/Clause Provided Herein - Section L Revised

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1. PURPOSE:

This AAPD applies to set-aside and sole source awards made to Women-Owned Small Businesses (WOSB). The AAPD advises COs of a change in the procedures at FAR 19.1503(b) through (d) that COs must follow to verify the eligibility of a concern for a set-aside or sole-source award under the WOSB Program. The deviation will remain in effect until the FAR case 2020-013 is finalized through the rulemaking process.

Required Actions: The actions below are only applicable to set-aside or sole-source awards under the WOSB Program.

(1) Solicitations: Contracting officers must include one of the following statement in the Section L of solicitations, as applicable :

(a) For Set-Aside awards for Women-Owned Small Business (WOSB) concerns or Economically Disadvantaged Women-Owned Small Business (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 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 must email the SBA’s Director of Government Contracting at WOSBpendingcertification@sba.gov with a request to complete a determination of eligibility. 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 must only make an award to a concern that is designated as certified as a WOSB or EDWOSB in DSBS.

2. BACKGROUND/GUIDANCE:

FAR 1.404 authorizes agencies to issue a class deviation to implement the Small Business Administration (SBA) final rule published May 11, 2020 (85 FR 27650). The SBA rule revised 13 CFR 127 concerning status as a WOSB and EDWOSB to be eligible under the Women-Owned Small Business Program (WOSB Program).

As a result, effective October 15, 2020, the WOSB Program Repository is no longer the source for WOSB and EDWOSB representation status. SBA's Dynamic Small Business Search (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 (SAM).

COs must include the applicable solicitation statement found in the purpose section of this AAPD for set-aside and sole source awards under the WOSB program. Note that the revised procedures verify the eligibility of a concern for a set-aside or sole-source award under the WOSB Program.

3. POINTS OF CONTACT:

Please direct any questions on this AAPD to [“Ask M/OAA Policy”](#)