



February 8, 2021

MEMORANDUM FOR HEADS OF CONTRACTING ACTIVITY and
CONTRACTING OFFICERS

FROM: CARL V. CAMPBELL
Senior Procurement Executive

SUBJECT: Class Deviation from the Federal Acquisition Regulation Regarding
Certification of Women-Owned Small Businesses

This memorandum approves a class deviation from the Federal Acquisition Regulation (FAR) to implement the Small Business Administration (SBA) final rule published May 11, 2020 (85 FR 27650).

Effective immediately, contracting officers shall:

(a) Utilize SBA's Dynamic Small Business Search (DSBS) to determine the status of Women-Owned Small Business (WOSB) or Economically Disadvantaged Woman-Owned Small Business (EDWOSB) concerns until SBA's certification status is implemented in the System for Award Management).

(b) Utilize the following procedures to verify the eligibility of a concern for a set-aside or sole-source award under the WOSB program (including WOSB and EDWOSB concerns), in place of FAR 19.1503(b) through (d):

1. 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 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 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 apparent 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.

This class deviation remains in effect until it is incorporated in the FAR or otherwise rescinded.

All questions related to this memorandum should be directed to Ryan Chandler, Senior Director for Strategy and Administration, at chandler.ryan.p@dol.gov.

cc: Rachana Desai Martin, Acting Chief Acquisition Officer
Agency Heads