



# WCOE LEGISLATIVE BURST

Wishing Everyone a Wonderful 2019!

DECEMBER 2018

## WCOE Legislative Burst

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- WCOE Members Meet with SBA
- Big Win for Women Candidates in Midterms
- WCOE Annual Meeting: Year of Opportunity
- Legislative Policy Adopted by National Board

### Letter to the Hill

- To Senate: WCOE Supports Two House-Passed Bills on Important Women Small Business Issues

### You Might Want to Know

- WCOE Joins Construction Industry Procurement Coalition

### The Inside Story

- Who Will Be the Senior Senator from Arizona?

### WCOE Year of Opportunity

- Meet with Members of Your Elected Officials at home and at the March Annual Meeting

## WCOE Meets with SBA

### *Tackling WOSB Procurement Issues*

On November 16, WCOE members **Deborah Bradley (NY)** and **Lorraine D'Angelo (NY)** met with SBA officials in Washington, DC, exceeding the short-term goals set by the WCOE Legislative Committee for the meeting. WCOE was looking for some procurement data on Women-Owned Small Businesses (WOSBs) which SBA provided for WCOE at the meeting. One of the primary goals of the meeting was to raise the visibility of WCOE within SBA and to make contacts so WCOE can be part of the process for program development and changes, in order to meet the longer-term goal which is to help WCOE member companies more easily participate in the federal construction marketplace. SBA was represented by **Robb Wong**, Associate Director for Government Contracting & Business Development, **Ken Dobbs**, Director Policy, Planning & Liaison Government Contracting Regulations, Small Business Size Standards, Small Business Prime Contractor Goals and **Carol Hulme**, Program Analyst, Government Contracting and Business Development.

### *Accomplishments:*

- **Mandatory Consideration Pilot Program** – SBA agreed to work with WCOE to help establish a “Mandatory Consideration” Pilot Program within the General Services Administration (GSA) and the Army Corps of Engineers (ACE) as a first-step toward increasing women-owned construction firms win more construction contract awards. It will be modeled after an on-going pilot program within the Department of the Navy.
- **SBA Certification Program** – Mr. Wong noted SBA has listened to Congress, WCOE and others about problems with WOSB Self-Certification and plans to follow-through with initiatives to establish a certification program. He indicated WCOE can be influential as SBA develops their certification program. Be sure to give WCOE President Theresa Kern your thoughts and ideas on a meaningful certification program. Mr. Wong indicated a strong preference to keep the program cost-free so small and start-up companies would be able to take advantage of the certification program.
- **Procurement Data** – Mr. Dobbs provided Women-Owned Small Business procurement data by NAICs codes, which includes 2016 and 2017 WOSB awards in numbers of contracts and dollars, ...this data will be available on the WCOE website. Deborah and Lorraine noted for the SBA staff that outside the published SBA Procurement Scorecard, there are not real incentives for meeting WOSB procurement goals nor any consequence for not meeting the goals which the SBA staff acknowledged.

Other items were discussed but WCOE hopes to move on the pilot program and certification program ideas quickly. Mr. Wong and the other SBA attendees were invited to join WCOE in some capacity during WCOE's annual conference in March.

## **The Midterm Elections Post Big Victories for Women Candidates: 25 Women Senators and 102 Women House Members**

When the 116<sup>th</sup> U.S. Congress convenes in January, women will hold almost 25 percent of the 535 seats. There will be 25 women Senators and 102 women serving in the House of Representatives. The 115<sup>th</sup> Congress had boasted the record number of female Members with 23 in the Senate and 84 in the House.

The Senate includes five new female Senators and in six states, both Senators will be women thanks to the recent announcement that Martha McSally, (R-AZ) will be appointed to fill the remaining term of Senator McCain (R-AZ) -- which was being temporarily held by former retired Republican Senator Jon Kyl. The six states are:

- Arizona: [Kyrsten Sinema](#) (D) and [Martha McSally](#) (R)
- California: [Dianne Feinstein](#) (D) and [Kamala Harris](#) (D)
- Minnesota: [Amy Klobuchar](#) (D) and [Tina Smith](#) (D)
- New Hampshire: [Jeanne Shaheen](#) (D) and [Maggie Hassan](#) (D)
- Nevada: [Catherine Cortez Masto](#) (D) and [Jacky Rosen](#) (D)
- Washington: [Patty Murray](#) (D) and [Maria Cantwell](#) (D)

Women fared almost as well in the House of Representatives where women will hold 24.3% (102) of the 435 seats, 35 of them for the first time and as they all gain seniority in the House, they will take important Committee assignments.

No one appears to believe that having more women in Congress will change the dynamics very much but WCOE hopes their presence will make a difference on WCOE legislative issues. Nancy Pelosi is expected to be elected again as Speaker of the House and she has said she wants the first order of business to be an infrastructure bill. With the work WCOE will be doing with the Senate and House Small Business Committees, as well as WCOE's push at the Small Business Administration (SBA), WCOE members should be better-positioned on its 2019 issues.

WCOE encourages all members to be in touch with their Members of Congress. WCOE President Theresa Kern and Legislative Committee Chair Lee Cunningham will be sending a warm letter of welcome to all new Members of Congress in January, alerting them to WCOE issues.

### **WCOE Conference Set for March 3 – 5, 2019: Year of Opportunity Join WCOE for a Networking Opportunity at the Willard Hotel**

Speaking of Women in Washington, WCOE plans to increase the number of Women in Washington, March 3 – 5. You might not be elected to Congress, but you will be at the historic [Willard Hotel](#) for meetings that will kick-start the “Year of Opportunity” for you as a woman in the construction industry.

The program will feature important information on Cybersecurity for your small business. It might be shocking to you to learn payments to and from your business can be hijacked by unscrupulous hackers, leaving you hanging. Other dangers are lurking and you will learn how to protect yourself and your business.

You won't want to miss this exciting session! The conference will feature a recently passed law by the state of California mandating public companies of a specific size, to appoint women to their boards of directors. We want to look more closely at the California law and see how it can be replicated. It is not enough to compete in the construction marketplace, women need to have opportunities everywhere!

Learning sessions, networking, High Tea and an update on the Women's Museum will all be part of the experience. Legislative speakers are invited for Tuesday morning just before Hill visits, so, plan to join us! Watch the WCOE website for the registration information.

## **WCOE Board Adopts New Legislative Policy** *Supporting Stronger Role for Women on Corporate Boards*

### **WCOE Supports Mandate for Female Representation on Public Company Boards**

It is time women had a seat at the table in corporate board rooms. Studies suggest when boards are diverse and women's voices heard, companies have greater earnings, return on equity and transparency. Female representation on boards creates a better environment for the workforce.

*WCOE urges passage of a bill to mandate female representation on public company boards.*

## **WCOE Letter to Capitol Hill** *Supporting Women on Small Business Issues*

WCOE sent a letter to the Senate urging passage of two House-passed small business bills before the end of the lame duck session so they can be signed into law.

### **Incentivizing Fairness in Subcontracting Act ([H.R. 6367](#))**

Introduced by **Representatives Al Lawson (D-FL) and Trent Kelly (R-MS)**, H.R. [6367](#), would give subcontractors a new procedure to file formal notification to the federal government on the lack of prompt payment for completed work. The dispute process would go through the Office of Small and Disadvantaged Business Utilization ('OSDBU') and would then require it to determine the validity of a claim and the resolution process. In turn the bill also clarifies that prime contractors have the ability to receive subcontracting credit for lower tiers.

This bill is important because access to capital remains one of the most limiting factors to women-owned businesses in the construction industry. The struggle for necessary capital affects not only the establishment of new women-owned construction businesses but also the sustainability and growth of already established women-owned construction firms. It is, therefore, especially critical for women-owned business to be paid promptly on completion of work in both the public and private sector. In the public market there is a need to improve compliance with existing contractor payment regulations in federal and federally assisted procurement. Better compliance with payment rules by prime contractors, coupled with more transparency by federal agencies regarding compliance is particularly critical in ensuring women construction owners succeed.

### **Expanding Contracting Opportunities for Small Businesses Act ([H.R. 6369](#))**

Introduced by **Representative Roger Marshall (R-KS)**, H.R. 6369 would raise the dollar amount of sole-source contract awards available for **women-owned (WOSB) or service-disabled veteran-owned small business (SDVOSB) is an eligible WOSB or SDVOSB**. This is necessary because the current threshold has not kept up with inflation. This change could help expand the number of women-owned construction firms participating in the federal construction market.

## **You Might Want to Know**

### *WCOE Joined the Construction Industry Procurement Coalition*

At an upcoming meeting the group will be discussing two issues of interest to WCOE members. The Small Business Administration has issued [a proposed rule](#) that would make changes to small business procurement rules which could have an impact WCOE members. The group will also be discussing retainage. Watch for more on these two issues in future editions of the Burst!

## **The Inside Story**

### ***Who will be the Senior Senator from Arizona?***

Insiders in Washington wondered who would be the senior Senator from Arizona, since the rumor was the Republican Governor was going to appoint someone to fill John McCain's (R) remaining term and that it might be the woman who the incoming Democrat beat but who would not be sworn in until January 3. The Arizona Republican Governor did announce he is appointing Martha McSally (R) to fill McCain's seat, but said as an elected Senator, Krysten Sinema, who beat McSally for an open seat, would be sworn-in first on January 3, so she will be the senior Senator from the state.

## **Meet with Your Elected Officials -- It's Never Too Early**

### ***Make Your Call at the Beginning of the New Congress***

### **Meet with Your Legislators Locally**

Face-to-face meetings with legislators add value to the advocacy process. WCOE's Washington Representative visits Congressional offices on behalf of WCOE, but the most effective lobbying is done by you, their constituents.

The 115<sup>th</sup> Congress will be adjourning Sine Die soon and the 116<sup>th</sup> Congress will be sworn-in on January 3, so you should plan to reach out early about issues of concern to you. Legislators are "extra" tuned-in because they just got elected and will depend on voters again the next election!

### **Contact the legislator's local office**

Sometimes Members' district offices, as opposed to their Washington offices, have a more personal touch so staying in touch with them is a good idea. District office information can be found on your Congressional delegation's individual website at [United States House of Representatives](#) or [United States Senate](#). Both sites can help you reach offices even if you are not sure who your representatives are.