WCOE Legislative Burst

Issue Highlights

- WCOE Submits Comments to SBA on WOSB Certification Process
- Promote WCOE Issues During Congressional August Break
- WCOE Supports Mandate for Female Representation on Boards for Publicly Traded Companies
- WCOE Board Adopts New Legislative Policy

WCOE Letters to the Hill

- Support H.R. 2345 to require SBA to issue a final rule on changing size standards
- Support H.R. 2344 to ensure prompt payment for change orders on federal work

Save the Date

- 2020 WCOE Washington Meeting April 20 - 21

WCOE Comments on SBA Proposed Rule

WOSB Certification Process – Elimination of Self-Certification

WCOE submits comments to SBA Proposed Rule on WOSB Certification – In July, WCOE submitted comments to the SBA on its proposed rule to implement the requirement for SBA to put in place a new certification process for Women-Owned Small Businesses (WOSBs) and Economically Disadvantaged Women-Owned Small Businesses (EDWOSBs), eliminating the ability of firms to self-certify. Under the proposed regulations, firms would be required to be certified by a federal agency, a state government, the Small Business Administration (SBA) or a national certifying entity in order to be awarded a set-aside or sole source contract under the authority of section 8(m) of the Small Business Act. Final regulations are expected to be issued by

In her comments, WCOE President Ohrenberg emphasized that WCOE has always supported a full certification program and was pleased to see that SBA was working to implement section 825 of the National Defense Authorization Act (NDAA). She reiterated that WCOE has “worked through-out its 35-year history to create a fairer procurement processes under the WOSB program so that female construction firm owners will have greater opportunities for success.”

The comments support the Department of Transportation (DOT) certification program and advocate that any other authorized third-party certifiers, including state DOT programs, be required to use federal DOT criteria with no self-certification, under any circumstances. Other standards suggested by WCOE include a reasonable time limit for the certification process (180 days), the establishment of an appeal process, certification validity for 3 - 5 years but with a requirement that material changes to businesses affecting eligibility be reported.

The comments also noted that DOT certification is free and suggests third-party certifiers that do charge, engage in a sliding scale fee based on the size of the business with a cost not to exceed $1,000. If you have any questions or comments about WCOE’s comments to SBA, please feel free to contact WCOE President, Sheila Ohrenberg at sheila@sorellagroup.com or WCOE’s Washington Representative Dana Thompson at dthompsonwcoe@outlook.com

Schedule August Meetings with Your Congressional Delegation

Build relationships and promote WCOE issues

Find your Members by name or zip code https://www.contactingcongress.org/
Join Town Halls – Attend Fundraisers – Call Members’ Local Office

In August, the Senate and House have scheduled a summer work period and will be available for meetings back home. WCOE encourages you to meet with your Representatives. Use this time to build stronger relationships and inform them WCOE and issues facing women in the construction industry. Meetings can include one-on-one or group meetings in the member’s office, inviting them to a board meeting, or simply attending a town hall meeting and catching them before or after the event. Invite them to a construction site where you are working to see what you do first-hand.

When you meet, urge your member of Congress to support an infrastructure bill that encourages greater direct federal infrastructure investment and strengthens existing infrastructure tools, to support us on issues that will help facilitate participation in the federal construction marketplace for women owned construction companies or to support any of WCOE’s legislative priorities. See WCOE’s Advocacy Page for issue sheets, WOCE letters, the 2019 editions of the Legislative Burst.

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*Senate and House Schedules Vary Slightly*

See the Senate Schedule [here](#).

*Dates subject to change depending on matters pending before the Congress*

Whether you’ve met your Congressperson or not…[Check them out or find out](#) who represents you. Then be sure to contact them when they are back home! [Review](#) the WCOE issue sheets before your meetings! Send feedback on your visits to WCOE’s Washington Representative Dana Thompson [dthompsonwcoe@outlook.com](mailto:dthompsonwcoe@outlook.com)

WCOE Supports Mandating Female Representation on Boards

California signed a law to require certain publicly traded companies headquartered or incorporated in California to have at least one woman on their boards by 2019. It extends the mandate in 2021 to two or three female members depending on the company’s size. WCOE supports a similar federal mandate but no federal legislation has been introduced yet.

A Senate and House bill have been introduced that WCOE members may want to support. S. 360 and H.R. 1018 are designed to encourage Board diversity, although not exclusively gender diversity. These companion bills would require public companies to disclose the gender, race, ethnicity and veteran status of their directors, director nominees and senior executive officers on an annual basis.

WCOE Letters to U.S. House of Representatives

WCOE Support for Change Order Bill

H.R. 2344 would help ensure small business federal contractors get paid promptly for completed change orders. The bill would allow contractors to submit a request for equitable adjustment (REA) - or an increase in fee - to the agency. The contractor may then bill the agency for any actual change order work completed while the REA is pending. Once
the agency receives the REA, it must pay 50% of the billed change order work amount in a timely manner to offset extra costs. While this legislation is not the entire solution to the millions of dollars in change order inequities, it would be a significant improvement.

WCOE’s letter stresses that access to capital remains one of the most limiting factors to women-owned businesses in the construction industry. It is, therefore, especially critical for women-owned business to be paid promptly on completion of work in both the public and private sector.

**WCOE Support for Clarifying Runway Extension Act H.R. 2345**

The SBA has now issued a proposed rule changing its size standards to a five-year, from three-year, averaging period for calculating average annual receipts. SBA delayed action on this prompted Congress to propose legislation, WCOE supported Congressional efforts by writing a letter in support of H.R. 2345, “Clarifying the Runway Extension Act.”

In 2018, President Trump signed the Small Business Runway Extension Act, to require that the size of a federal contractor be measured by an average of five rather than three years of revenue, for the purpose of assessing small business program eligibility. SBA’s size standard represents the largest size that a business may be in order to remain classified as a small business for federal contracting programs and set-asides. However, the Small Business Administration has postponed its implementation and says businesses still must report their receipts based on a three-year average.

Proposed Legislation has an effect: Although the current SBA proposed rule obviates the need for the legislation, it did pressure SBA into faster action. The legislation would have required them to issue a final rule implementing the law no later than December 17, 2019. WCOE President and Legislative Committee Chair, Sheila Ohrenberg and Lee Cunningham, stressed that female owners should not lose access to set-aside programs and risk losing their business because of one or two exceptional years of revenue.

*WCOE supports a variety of Senate and House legislative initiatives which would help women succeed in a very tough industry and market. Add WCOE issues to your conversations with Members of Congress. Please view WCOE 2019 Conference Issue Sheets under the Advocacy tab at www.wcoeusa.org/*

**WCOE Board Adopts New Legislative Policy**

At its June Board of Directors meeting, Board members adopted a federal procurement policy that further reflects the WCOE mission of “making a positive difference for women in the construction industry so there will come a time when gender will cease to be a business issue.” The adopted policy reads:

> WCOE supports reforms to federal contracting policy that will support the industry and women-owned construction companies, in particular, where such policies will address issues that affect the bottom line of WCOE members or will work to address factors that currently constrain successful growth of women-owned businesses.

*Save the Date: April 20 - 21: Plan to join WCOE in Washington, DC for its Annual Washington Conferences*