

## CLIENT ALERT

### SBA Issues Final Rule On WOSB Contracting Program But Has Yet To Identify Eligible Industries

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On October 1, 2008, the Small Business Administration issued both a proposed ([http://www.crowell.com/PDF/Fed-Register\\_Vol73-No191\\_Proposed.pdf](http://www.crowell.com/PDF/Fed-Register_Vol73-No191_Proposed.pdf)) and a final rule ([http://www.crowell.com/PDF/Fed-Register\\_Vol73-No191\\_Rules-Regs.pdf](http://www.crowell.com/PDF/Fed-Register_Vol73-No191_Rules-Regs.pdf)) regarding the Women-Owned Small Business (WOSB) contracting program. While the long-awaited final rule makes a few changes to the December 27, 2007, proposed rule, including clarifying that a contracting officer may award a contract or begin performance after receipt of a protest after determining that an award is necessary to protect the public interest, the final rule dodges the key issue and fails to identify those industries where set-aside acquisitions are authorized based on WOSB underrepresentation, and, instead, in the proposed rule, the SBA seeks comments on or before October 31, 2008, on the underlying data used to determine WOSB underrepresentation, including data identifying 31 NAICS codes in which WOSBs were either underrepresented or substantially underrepresented.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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