Overview

The United States first adopted a 5 percent goal for women’s public procurement in 1994, and that goal was finally achieved in 2015. The 5 percent goal was originally carved out from the 23 percent set-aside of the total value of all small-business eligible prime contract awards to small businesses. Note that the definition of a small business in the United States varies according to size standards for specific industry sectors, as delineated in the North American Industry Classification System (NAICS) Codes. The size standards are for the most part expressed in either millions of dollars or number of employees. A size standard indicates the largest that a firm can be and still qualify as a small business for U.S. Federal Government programs.

Case Study:
United States

PERSISTANCE AND A SYSTEMS APPROACH ARE NECESSARY

Women in the U.S. have benefited from an official 5 percent goal since 1994, but it took 21 years to reach that goal, as a result of intense advocacy, coalition building, and curriculum development. Much of the effort was led by women entrepreneurs.

1. The original case study was written by Virginia Littlejohn, Jennifer Biscaglia and Clayton Johnson, based on an interview with Barbara Kasoff, as founding President of Women Impacting Public Policy (WIPP). The update since 2015 is based on an interview by Virginia Littlejohn with Candace Waterman, WIPP’s current President and CEO.
To participate in and be certified for the Women-Owned Small Business (WOSB) program, a firm must:

» be a small business
» be at least 51 percent owned and controlled by women who are U.S. citizens
» have women manage day-to-day operations and also make long-term decisions

There is also a category of Economically Disadvantaged Women-Owned Small Business (EDWOSB) that meet the above requirements, and also meet requirements concerning income, personal assets and net worth.

Current efforts in the United States focus on:

» creating a strategic new partnership
» enhanced curriculum development, especially linking corporate and public procurement
» virtualization of training, due to the Coronavirus Disease of 2019 (COVID-19) pandemic
» opening up more industry sectors to WOSBs
» continued advocacy and coalition building
» changes in the certification process
» updates on achieving the 5 percent goal (documented through fiscal year 2019)

The United States is unique in that almost all progress on women’s public procurement has been spearheaded by the private sector.
Main Findings

The findings presented in this section are based on the UK-based Chatham House publication, *Gender Smart Procurement: Strategies for Driving Change*, published in December 2017. The important developments that have taken place since that study are summarized in the section below, 2016-2020 Update.

In 1994, the United States Federal Government established for the first time a spending goal for federal agencies to award 5 percent of their contracts (by value) to small businesses owned by women. That target was finally achieved in 2015. The drivers of success were:

- An effective bipartisan advocacy strategy that included policymaker education
- Awareness-raising among women on entrepreneurship issues and coalition-building
- Capacity-building and curriculum development to facilitate women’s success in procurement processes
- Technical and operational issues
- Certification
- Sectoral research and analysis that resulted in evidence-based policymaking

The United States has a dynamic women’s entrepreneurial sector, which has grown more rapidly than the overall economy over the past 20 years. However, gains within the federal procurement space have not reflected that growth.

This case study draws on the experience of Women Impacting Public Policy (WIPP), a non-partisan advocacy group that was a key actor in enabling the United States to reach the 5 percent threshold for awarding procurement contracts to small businesses owned by women. The case study analyses how policymakers sought to overcome the obstacles to gender equality in federal procurement and reviews the changes achieved.

For women business owners eyeing the federal procurement market, the difficulties have often seemed to outweigh the potential gains. Proposal development was costly. Each firm

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4. Jennifer Bisceglie and Barbara Kasoff were both officers in WIPP; this case study relies on key documents and interviews.
needed to be audited and certified as a “women-owned small business.” Above all, a WOSB had to know how to secure and perform on a contract. In short, women business owners believed that working as a supplier on federal procurement contracts required a lot of time, money and expertise, which few WOSBs possessed.

Understanding these challenges and recognizing the advantage of harnessing the development of women’s enterprises to stimulate employment growth, the government established what it termed a “set-aside” program. In its own words:

“When market research concludes that small businesses are available and able to perform the work or provide the products being procured by the government, those opportunities are “set-aside” exclusively for small business concerns .. [or] small businesses with certain designations.”

WOSB is one such designation, and it became the foundation for the U.S. Federal Government establishing for the first time, in 1994, the goal of federal agencies awarding 5 percent of their contracts to WOSBs. But to take advantage of this WOSB set-aside would require a concerted strategic intervention by many patient, disciplined actors with clear goals and a big-picture perspective. Though multifaceted, the intervention was fundamentally a matter of advocacy, which at its core was about education: talking to people, making them understand the importance of the issue, and getting their support. It was also about building an operational infrastructure to ensure that women entrepreneurs knew how to bid for contracts and, if successful, would be able to deliver to a high standard.

**BIPARTISAN ADVOCACY AND POLICYMAKER EDUCATION**

If the starting point for change management is typically dealing with resistance, one might imagine the advocacy campaign as a duel in which hopeful progressives overcame pushback from those ideologically opposed to procurement targets for women. In the case of the United States, however, this impression is wrong.

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According to WIPP co-founder Barbara Kasoff:

“By 2008, we really didn’t have much pushback. For the first time, there was an acknowledgment that a set-aside program for women entrepreneurs was necessary. The main factor, from a government perspective, was a lack of awareness, and, then of course there were details that could or would make the program successful. Until that point, almost nobody thought about procurement for women, just like they didn’t think about women on boards. There was no acknowledgment that women entrepreneurs contributed to the U.S. economy in a meaningful and productive way.”

The enemy was apathy – on the part of policymakers and women business owners themselves.

WIPP already knew that policymakers within the executive and legislative branches were well placed to either formally set procurement targets or at least influence the process. WIPP drove the dialogue over increasing the volume of contracts secured by WOSBs. Rather than rely on emotional pleas based on ideas of fairness, its approach emphasized the economic rationale, supporting its arguments with research and hard data. Potential policy influencers became convinced that the use of WOSB contractors presented an untapped opportunity for economic growth. They also believed that their constituents would tangibly benefit from higher gross domestic product (GDP) and employment growth.

In 2008, a presidential election year; a unique opportunity presented itself. WIPP decided that its leaders would participate actively in the Democratic and Republican conventions that year and would work to educate the party platforms and presidential candidates on the procurement opportunity for women. At the Democratic convention, WIPP’s guest speaker was Valerie Jarrett, speaking on behalf of Senator Barack Obama. A few months later, she took WIPP’s policy position to Obama. The organization received a letter from him saying that if he were elected, women’s procurement would be a priority for his administration.

Obama’s election as President opened the door for intensive engagement with the White House and with various executive branch agencies. Jarrett became a White House senior adviser, overseeing the White House Office of Public Engagement, and she chaired the White House Council on Women and Girls. Another key ally was found in the incoming head of the US Small Business Administration (SBA), Karen Mills.
According to Kasoff:

“Once Karen Mills was confirmed, within a few days we had lunch with her at the White House Mess Hall. She said she would take this on as a priority, she would investigate it, and address this issue. The rest is history.”

That history played out over many years, and included the following sustained efforts:

» Extensive liaison with the executive and legislative branches by WIPP’s chief advocate, Ann Sullivan

» An educational program for women entrepreneurs, making them aware of the financial opportunities and the strategies needed to compete successfully

» Congressional hearings (including one with 300 women business owners held in a packed Senate hearing room)

» The cultivation and education of coalition partners and a major corporate sponsor, American Express OPEN

» A publicity campaign, coordinating with natural media allies such as Enterprising Women magazine as well as the less attentive mainstream media

All these steps had to be undertaken with relentless repetition. According to Kasoff:

“Somebody who wasn’t an advocate for us one year, could come around two years later and be our biggest and best ally, so we never closed the door. We always maintained a good relationship with both the Democrats and Republicans on the House and Senate Small Business Committees, the Small Business Administration and the various federal agencies. Educating is about building relationships, and it always takes time to do that. In fact, the Republicans became some of our strongest allies and supporters.”

7. WIPP records and interviews conducted by authors.
8. WIPP records and interviews conducted by authors.
WOMEN’S AWARENESS-RAISING AND COALITION-BUILDING

On the other side of the process were the WOSBs, coming into the procurement market without any background or credentials in federal contracting. This was a “chicken and egg” situation, in the sense that a campaign targeting would-be contractors was required to create a “push” effect to complement the “pull” of the 5 per cent goal. “When WOSBs were getting 1 per cent, 1.5 per cent and 2 per cent of contracts, women didn’t respond,” said Kasoff. “They were thinking, ‘Why do this? It’s expensive—it costs a lot and we probably won’t get a contract anyway.’”

Apathy within the ranks of women entrepreneurs—the potential recipients of federal contracts—also had to be addressed. Traction on the 5 percent goal started in earnest when this potential opportunity became a real one. As a result of kick-starting activity on both sides—among policymakers as well as women business owners—a “positive feedback loop” was created, as higher procurement targets enticed more women business owners to pursue lucrative contracting opportunities.

The procurement education campaign had natural stakeholders from across the women’s business community. These included groups such as the Women Presidents Organization, the Women’s Business Enterprise National Council (WBENC), the National Association of Women Business Owners (NAWBO), the Association of Women Business Centers, and many others. Meshing these groups into a unified coalition was complicated, but this allowed the campaign to tap into considerable resources that were central to achieving the 5 percent goal. The National Women’s Business Council, a federal advisory body, also helped forge consensus.

In addition, the coalition-building created a substantial political base of women and economic interests that policymakers could not ignore. Just as the numbers were built around the economic case, the sheer number of women who lent their voice to the issue created traction. Kasoff noted:

“We made the case with all the women entrepreneurs we were associated with. Even if you are not and never will be a contractor, it’s important that you advocate for this as an important issue so that you can help out your sisters.”

The benefits of widening the pool of women entrepreneurs were perceived as self-reinforcing: if one woman entrepreneur succeeded in winning a contract, she was likely to reach out to other female entrepreneurial colleagues for project staffing and support.

This perspective was ultimately embraced by members of the women’s business community, who formed a powerful coalition for implementation of the policy.

9. WIPP records and interviews conducted by authors.
10. WIPP records and interviews conducted by authors.
CAPACITY-BUILDING AND CURRICULUM DEVELOPMENT FOR PROCUREMENT SUCCESS

Capacity-building is an open-ended process. It gained momentum as more and more WOSBs were brought into the federal marketplace. Women required training on the specifics of qualifying for, securing and managing federal contracts. The sustainability of increased participation by women-owned businesses in this marketplace depends on their performing ably in terms of project delivery. Capacity-building efforts around procurement have therefore been broad in scope, encompassing the specific expertise and protocols required for working with different federal agencies, while also providing more traditional offerings.

WOSBs that were already successful federal contractors were asked to provide guidance on the process. The resulting material was developed into 300 curricular modules on all aspects of federal procurement, at three levels of sophistication. Many of the modules were delivered via webinars, and from 2013 to 2015, approximately 6,500 WOSBs were trained in face-to-face ChallengeHER events around the United States.11

Between 2010 and 2015, WIPP trained more than 600,000 women business owners on how to do business with the federal government. The training was conducted in partnership with the SBA, via an exceptional multi-year commitment from American Express OPEN.12 The program continues to evolve, training increasing numbers of successful WOSB federal contractors.

11 In 2013, WIPP, the SBA and American Express OPEN created ChallengeHER. This initiative aimed to help expand the reach and influence of the WOSB Federal Contract Program through step-by-step training designed to lead WOSBs through System for Award Management registration and WOSB certification, and to help women business owners market themselves to federal agencies and develop strategies to successfully compete for WOSB contracts.
TECHNICAL AND OPERATIONAL ISSUES

Another operational component of efforts to reach the 5 percent goal was the need to promote certification of WOSBs to ensure they met federal criteria for ownership, management and control. The two major authorized third-party certification agents are the WBENC and the National Women Business Owners Corporation. Other smaller certifying bodies also exist.

Ultimately, the key to success was advocacy, aided by critical sectoral research and analysis conducted by Womenable (a research consultancy firm), WIPP, its coalition partners and the SBA. In 2010, the SBA proposed a WOSB program, approximately two years after Administrator Karen Mills had begun focusing on women’s procurement. The proposed program was designed to provide “greater opportunities for WOSBs to compete for federal contracts, while achieving the existing statutory goal that 5 percent of federal contracting dollars go to women-owned small businesses.”13 To be eligible for the program, a firm had to be 51 percent owned and controlled by one woman or more, and primarily managed by one woman or more.

When the set-aside structure was first being framed, an earlier proposed version of the program targeted only four industry groups in which WOSBs were under-represented and eligible for set-asides.14 This was very poorly received by WOSBs and policymakers, and it was followed by a lengthy legal process of gradual expansion in which an increasing number of industry groups were opened up to set-asides. In 2016, the SBA authorized a total of 113 industry groups (based on the NAICS) to be included in the set-aside process for WOSBs and EDWOSBs.15

The SBA also initially placed a limit on the size of the contracts to be covered by set-asides:

The final rule authorizes a set-aside of federal contracts for WOSBs where the anticipated contract price does not exceed $5 million in the case of manufacturing contracts and $3 million in the case of other contracts. Contracts with values in excess of these limits are not subject to set-aside under this program.16

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Other U.S. Federal Government set-aside programs had much higher thresholds. In 2013, those ceilings were updated to the same level as those of other set-aside programs: i.e., $6.5 million for manufacturing contracts, and $4 million for all other contracts.

In 2015, the WOSB program received full parity with all other set-aside schemes when the policy was implemented to provide for “sole-source contracts.” For the first time, WOSBs were able to receive federal government contracts (within some constraints) without competition. The ability to get that first contract, and build an initial relationship with the customer, can be life-changing and business-changing for small entrepreneurs.

RESULTS THROUGH 2015

Building on WIPP’s initial 2008 strategy, the steps outlined above led to significant advancements over time. Between 2009 and 2015, the government awarded more than $117 billion to WOSBs and EDWOSBs. This was a $43 billion increase over the prior seven years. Table 1 below shows total annual volume from 2006 through 2020 (fiscal year 2019).

Each federal agency also has its own “small-business scorecard” showing the volume and percentage of business that it does with WOSBs, establishing both transparency and accountability.

This area of reform is particularly important because public procurement is uniquely positioned within the economic landscape: it “is a powerful tool to achieve socioeconomic objectives because it operates at the intersection of the government’s regulatory and buying powers. Governments are market regulators and market participants.”

17. Dollar amounts for federal procurement were reduced when Congress adopted sequestration legislation in 2013, extending through to 2021, designed to cut defense and non-defense spending.

The timeline for achieving the 5 percent goal was shortened by the Obama administration’s commitment coupled with strong bipartisan congressional support. Even without these factors, Kasoff argues, the groundwork laid out by stakeholders would eventually have achieved the same results through persistence and broad alliances, although the process would have been slower.

The United States has not completed its women’s business procurement journey; the percentage goal for participation of WOSBs in federal contracting remains an open-ended aspiration. As President Obama’s second SBA Administrator, Maria Contreras-Sweet, said in 2015, “Meeting this goal means five percent is no longer our ceiling but our foundation upon which to build.”

### TABLE 1. FEDERAL PROCUREMENT FROM WOSBS (PRIME CONTRACTS ONLY)

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent of Procurement</th>
<th>US $ Billion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>3.41</td>
<td>11.6</td>
</tr>
<tr>
<td>2007</td>
<td>3.41</td>
<td>12.9</td>
</tr>
<tr>
<td>2008</td>
<td>3.40</td>
<td>14.7</td>
</tr>
<tr>
<td>2009</td>
<td>3.68</td>
<td>Approximately 16.3</td>
</tr>
<tr>
<td>2010</td>
<td>4.04</td>
<td>17.5</td>
</tr>
<tr>
<td>2011</td>
<td>3.98</td>
<td>16.8</td>
</tr>
<tr>
<td>2012</td>
<td>4.00</td>
<td>16.2</td>
</tr>
<tr>
<td>2013</td>
<td>4.32</td>
<td>15.4</td>
</tr>
<tr>
<td>2014</td>
<td>4.68</td>
<td>17.2</td>
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<tr>
<td>2015</td>
<td>5.05</td>
<td>17.8</td>
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<td>2016</td>
<td>4.79</td>
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<td>2017</td>
<td>4.71</td>
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<tr>
<td>2018</td>
<td>4.75</td>
<td>22.9</td>
</tr>
<tr>
<td>2019</td>
<td>5.19</td>
<td>26.0</td>
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Note: The U.S. Small Business Administration keeps an annual Scorecard on all its contracting goals.

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2016–2020 Update\textsuperscript{20}

A catalyst for continued growth and development in women’s public procurement was the creation of a major new strategic partnership in the women’s business community. It was forged between WIPP, which focuses on women entrepreneurial advocacy, public procurement, access to finance, etc., and the WBENC, whose members are multinational corporations that want to buy goods and services from certified women’s business enterprises (WBEs).

WBENC at first certified WBEs only for corporate procurement. After the WOSB designation was created for women who wanted to sell to the government, WBENC began providing certification for women’s businesses for both corporate and public procurement. This partnership was developed soon after Candace Waterman, then the deputy chief of WBENC, became the President and CEO of WIPP in 2018.

SYNERGIES BETWEEN PUBLIC AND CORPORATE PROCUREMENT

A major outgrowth of this partnership has been the development of some newfound synergies between corporate and public procurement in the United States. Large corporations that are members of WBENC are often also prime contractors to the U.S. Federal Government. As such, they could potentially team with and mentor WOSB subcontractors.

“Because of COVID, all of WIPP’s training was done virtually in 2020, and it actually turned out to be even more impactful because we were able to cast a much wider net.”

\textsuperscript{20} Based on an Interview with Candace Waterman, CEO of Women Impacting Public Policy.
In addition, WIPP began providing public procurement training to some of WBENC’s 14 Regional Partner Organizations, which historically had provided WBE certification for women who wanted to become suppliers to major U.S. corporations and were now interested in also certifying WOSBs for public procurement. Members of WIPP who were federal contractors began receiving deeper exposure to information about how to do business with corporate America, and how to work more effectively with corporate supply chains.

WIPP members also received training on how to navigate subcontracting as a way to deal with supply chain compression and especially the practice of “bundling” many smaller contracts into an extremely large contract, too large for most women-owned businesses to pursue.

**CURRICULAR ENRICHMENT AND VIRTUALIZATION OF TRAINING**

This corporate linkage resulted in a whole new line of training to supplement WIPP’s public procurement curriculum. In addition to the 100- and 200-level coursework for emerging women entrepreneurs and those new to public procurement, and the 300-level courses for women already active in public procurement, WIPP developed a new 400-level curriculum. This was designed to educate certified WOSBs on corporate supply chains, and on the mentoring and other advantages of becoming a subcontractor to a government prime contractor (typically a very large corporation).

A second major development was the impact of COVID-19 on the organization, particularly with regard to training and other services that could be virtualized. WIPP’s CEO, Candace Waterman, notes, “Because of COVID, all of WIPP’s training was done virtually in 2020, and it actually turned out to be even more impactful because we were able to cast a much wider net.”

WIPP’s monthly offerings included one in-depth ChallengeHER training program plus five to seven webinars. The smaller webinars typically served 150–200 participants, with a maximum of 500 participants, while each of the ChallengeHER trainings reached up to 900 participants. WIPP also organized some members-only virtual events, including high-tech expos and matchmaker events with federal contracting officers. The matchmakers proved to be particularly effective, because procurement officials did not have to travel to cities all over the country to meet with WOSBs, as required for face-to-face events.

WIPP also provided targeted training for women of color, women veterans and veterans’ spouses. Women in the latter group often become entrepreneurial in flexible sectors—of necessity, because they move around too much to hold down a long-term job.

Finally, WIPP organized virtual “community connections” of women business owners who want to support each other.
OPENING UP MORE SECTORS OF THE ECONOMY TO WOSBS

A third major area of focus concerned the specific NAICS codes for which certified WOSBs were eligible to be awarded set-aside federal contracts. There are 364 NAICS codes in all, each consisting of 6 digits and reviewed every five years. Industry sectors and subsectors are coded as either Goods Producing Industries or Service Providing Industries. Initially, some argued that the focus should be on those sectors with the biggest disparity in contracts awarded to WOSBs. A review of this issue is now underway, but current thinking seems to be that all sectors should be open to everyone. This provides increased contracting opportunities for WOSBs.

ADVOCACY AND COALITION BUILDING

A fourth area of focus has been increased advocacy and coalition building. WIPP now has over 700 coalition partners. There is a growing emphasis on providing advocacy training at the state level, starting with multiple chapters of NAWBO in California.

As part of WIPP’s advocacy efforts, it commented in favor of the Women and Minority Investment Act—legislation that was introduced in 2019 but not yet passed. This would enable women angel investors to invest in women-owned firms, so that growth-oriented companies could access equity finance while remaining at least 51 percent owned, managed and controlled by one or more women.

WIPP has also advocated for the Runway Extension Act of 2018, which was instituted to give WOSBs a five-year rather than a three-year window to review revenue growth. This has the potential to give WOSBs a longer time to stay in the Small Business set-aside program before being graduated out as a result of their growth.

THE TIME IS NOW TO ACCELERATE WOMEN’S PUBLIC PROCUREMENT

Case Study: United States
CHANGES IN THE CERTIFICATION PROCESS

When the WOSB certification process first started, there were four organizations that were authorized to provide this service, all of which charged a fee. WIPP’s partner organization, WBENC, for example, charges a sliding-scale fee of $350 to $1,500 depending on the size and level of sophistication of the business applying to be certified. There was also a self-certification method available at the U.S. Federal Government level. However, in order to eliminate waste, fraud and abuse, the government decided to do away with its previous ‘checking-the-box’ method of self-certification. Instead, it created a free certification method for smaller WOSB firms, with revenues under $2 million. This free method was first implemented in October 2020, so there is not yet an extensive track record.

Conclusion

The story of how the United States realized its WOSB inclusion goal provides a case study that other countries can adapt. Every country can benefit from understanding the powerful opportunity that public procurement offers, to both bolster businesses owned by women and contribute to GDP. Strategic use of public procurement can also be used as a mechanism to build stronger and more resilient women-owned businesses in the post-pandemic environment. Women’s business associations with advanced advocacy and coalition-building skills can play a significant role in the development of an equitable public procurement ecosystem in their countries.21