



Government Contracts Update

December 2024

New SBA Application Portal: What To Expect

Key Notes:

- SBA's new application portal, MySBA Certifications, is now live.
- MySBA Certifications unifies the certification application process for all SBA socioeconomic programs.

Earlier this year, the U.S. Small Business Administration (SBA) announced that it would close its certification application portal to make some updates. During this time, SBA did not accept initial certification applications and encouraged new and prospective applicants to wait until the upgrade was completed before applying. The portal closure impacted the certification processes for the following SBA socioeconomic programs:

- Women-Owned Small Business
- Economically Disadvantaged Women-Owned Small Business
- 8(a) Business Development
- Veteran Small Business Certification
- Service-Disabled Veteran-Owned Small Business
- Historically Underutilized Business Zones (HUBZone)

The upgraded SBA certification portal, MySBA Certifications, is now live. It streamlines the certification process for SBA federal contracting programs. Before the update, applicants were required to navigate different platforms, depending on the certification type sought. MySBA Certifications is a uniform system that allows applicants to submit a single application to assess eligibility for multiple SBA certifications. Ideally, SBA's consolidation of its certification applications will make the process more efficient for small businesses and accelerate the certification timeline, though it remains to be seen what, if any, unintended

consequences or new challenges arise in relation to the upgraded interface. As with any new system, there may be bugs to work out. A few of our clients have already reported hiccups that, in some cases, required applicants to start over at the beginning of the application process.

In its consolidation efforts, SBA made some changes to the application itself. SBA 8(a) program prospective applicants should be aware of a notable change in the application interface. The 8(a) program requires applicants to demonstrate that they are socially disadvantaged, which was previously established by either a rebuttable presumption for individuals who held themselves out as members of a designated ethnic group or by submission of a social disadvantage narrative for individuals who were not members of the designated groups. SBA no longer uses the rebuttable presumption to establish social disadvantage due to a ruling issued by the U.S. District Court for the Eastern District of Tennessee barring its use.

The upgraded application permits applicants to establish their social disadvantage by completing a fillable text questionnaire that confines applicants' responses to 1,000 characters. SBA notes that more information may be requested. Applicants who need more space to elaborate on information relevant to their social disadvantage status still have the option to write and submit a narrative. SBA advises that three pages is generally sufficient; however, the narrative can be shorter or longer. It is unclear how or if electing to use the fillable questionnaire will impact certification approval. It is evident that SBA deems 1,000 characters per question sufficient space to establish social disadvantage. However, prospective applicants should consider whether the questionnaire provides adequate space to establish SBA's required elements of social

disadvantage: an indication of which identity or identities is/are the basis of social disadvantage and a description of incidents in which bias or discrimination has occurred. To ensure that SBA has all the information needed to properly assess a certification application and limit potential delays triggered by SBA requests for additional information, applicants should choose the option that allows them to establish the elements of social disadvantage thoroughly and fully.

In addition to the resources and guidance provided on the MySBA Certifications portal, our Government Contracts practice is fully equipped to assist prospective applicants as they navigate the changes in the certification process and work to prepare social disadvantage statements under the new system.

New SBA Final Rule

Our Government Contracts practice group recently published a series of bulletins examining SBA's proposed rule, "HUBZone Program Updates and Clarifications, and Clarifications to Other Small Business Programs." SBA issued its final rule on December 17, 2024, and we will continue the series with alerts detailing our assessment of the final rule to keep you informed about other pertinent updates related to SBA's socioeconomic programs.

FOR MORE INFORMATION

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