

Oklahoma Secretary of State Administrative Rules: Women-Owned Business Certification Program
Title 150 Oklahoma Department of Commerce
Chapter 60 Women-Owned Business Certification Program

150:60-1-1. Purpose

The purpose of these rules is to establish procedures to certify women-owned businesses in order to facilitate contracting capabilities of women-owned businesses with public and private entities. [74:5010.5]
[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-2. Definitions

The following words or terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Department" means the Oklahoma Department of Commerce.

"Person" means an individual, sole proprietorship, partnership, association or corporation.

"Women-owned business" means a small business concern as defined in 15 U.S.C., Section 632,

(A) which is at least fifty-one percent (51%) owned by one or more women or in the case of a publicly owned business, at least fifty-one percent (51%) of all classes or types of the stock is owned by one or more women, and

(B) whose management and daily business operations are controlled by one or more women.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-3. Eligible entities

Any business meeting the definition of a women-owned business as provided in 150:60-1-2, and doing business in the State of Oklahoma is eligible to apply for certification under the provisions of the rules of this chapter.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-4. Applications; contents

(a) Any person seeking certification as a women-owned business enterprise must submit an application to the Oklahoma Department of Commerce. Applications shall be available upon request from the Department.

(b) The application shall require the following information:

(1) A complete business history of the enterprise including copies of organizational documents such as the minutes of the first organizational meeting, partnership agreements, articles of incorporation, stock certificates and corporate bylaws.

(2) A listing of all principals and the percentages of ownerships and resumes of all principals, key managers and key personnel.

(3) Current financial statements of the business, latest business income tax returns, proof of investment by principals, bank resolution on all company accounts, loan agreements, lease/rental agreements and other information as may be required to verify control or ownership.

(4) Any additional information reasonable and necessary for the Department to determine whether the applicant qualifies for certification under the rules of this chapter.

(c) Applicants must submit a completed application form, any required data and a signed, notarized affidavit stating that the applicant is a women-owned business to be eligible.

(d) Incomplete or improperly completed applications will be returned to the applicant without further consideration.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-5. Actions

(a) The Oklahoma Department of Commerce shall within ninety (90) days of receipt of an application for certification either approve the application, deny the application or notify the applicant of any delays in making a determination.

(b) An applicant that submits a properly documented application shall be presumed to be a women-owned business for the purposes of this program and shall be certified as such, unless:

(1) Contradictory information is contained in the required documentation submitted with the application; or

(2) Information has been received challenging the validity of the application; or

(3) The applicant's primary business is providing products or services within a transportation related industry and is eligible for certification through the Oklahoma Department of Transportation; or

(4) The applicant does not meet the definition of a small business as provided in 15 U.S.C., Section 632.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-6. Length of certification; grounds for revocation

(a) The Oklahoma Department of Commerce shall certify a business which meets the eligibility requirements of this chapter as a women-owned business. Such certification shall remain in effect for five (5) years unless one of the following conditions should occur:

(1) There is a change in ownership or daily management to persons other than those upon whom certification was based; or

(2) The business exceeds "small business" size standards for their industry as defined by 15 U.S.C., Section 632; or

(3) The business ceases to exist as an independent operation; or

(4) There is any change which if it had occurred before certification would have prevented the applicant from being certified by the Department.

(b) Any person that has been certified as a women-owned business by the Department may apply for recertification prior to the expiration of its current certification.

(c) Any person that has "its" certification revoked pursuant to the provisions of this section may reapply for certification at such time as the person again becomes eligible for a certification.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-7. Administrative hearings

(a) Any applicant who believes that it has been aggrieved by a denial of a request for certification by the Oklahoma Department of Commerce may request an administrative hearing pursuant to the provisions regarding individual proceedings, 150:1-11-1 et seq. of the Department's General Rules of Practice and Procedure.

(b) Any person that loses certification through revocation shall be notified and presented an opportunity for hearing pursuant to the provisions of 150:1-15-1 et seq. of the Department's General Rules of Practice and Procedure.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-8. Additional information; on-site inspections

(a) The Oklahoma Department of Commerce may request additional information from program applicants or participants. Failure to provide such information may be grounds for denial of certification or revocation of certification.

(b) The Department shall have the authority to conduct on-site evaluations as deemed necessary.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]

150:60-1-9. List of certified entities

The Oklahoma Department of Commerce shall compile and maintain a list of all entities certified through the women-owned business program. A copy of such list will be made available upon request from the Department.

[Source: Added at 9 Ok Reg 1803, eff 6-1-92]