

CLIENT ALERT

GAO Sides With COFC In Continued Battle Over Hubzone Set-Aside Priority

May.21.2010

GAO in *DGR Assocs., Inc.* (May 14, 2010), relied on "unambiguous" statutory language instead of a contrary 2009 opinion letter from DoJ's Office of Legal Counsel to hold that a procuring agency must first consider whether the conditions for a HUBZone set-aside exist before proceeding with an 8(a) set-aside. With this decision, GAO falls into line with (and cites with approval) the recent Court of Federal Claims decision, *Mission Critical Solution v. U.S* (Mar. 2, 2010), appeal docketed (Fed. Cir. Apr. 2, 2010), to the effect that set-asides to HUBZone contractors are mandatory whenever the criteria in 15 U.S.C. 657a are met.

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

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