

CLIENT ALERT

No Small Business Set-Asides For FSS Purchases

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GSA has taken the position that GAO's "Rule of Two" established in the *Delex* protest (B-400403, Oct. 8, 2008), which requires an agency to set aside a procurement for small businesses when there are at least two qualified small businesses, does not apply to the Federal Supply Schedule program. [GSA issued a memo to this effect on October 28, 2008](#) and recently has been taking efforts to ensure that agencies and FSS contractors understand its rejection of the Rule of Two for FSS purchases.

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

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