

## CLIENT ALERT

### Set-aside Determination Must Be Industry-Specific

September 7, 2012

In *DynaLantic Corp. v. U.S. Dep't of Defense*, a small business challenged on constitutional grounds a Navy set-aside for 8(a) small disadvantaged businesses of a simulator buy. The D.C. district court held that there is sufficient evidence of discrimination that limits minority business development for the 8(a) program to withstand a facial challenge, but that, without an agency determination of discrimination in the military simulation and training industry specifically, the Navy was enjoined from using an 8(a) set-aside procurement for the simulator. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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