

CLIENT ALERT

Small Business Set-Aside Rules Inapplicable to FSS Purchases

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In *K-Lak Corp. v. U.S.* (Mar. 9, 2011), the Court of Federal Claims rejected the incumbent small business's protest challenging the government's decision to purchasing credit reports from a large business through the Federal Supply Schedule ("FSS") program rather than continue with the small business set-aside procurement it had used for the incumbent's contract. The Court held that the small business set-aside rules do not apply to FSS purchases and that agencies are free to decide whether to use the FSS without regard to whether the requirement has been or could be met through a set-aside or preference program.

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

Marc F. Efron

Retired Partner – Washington, D.C.

Email: mefron@crowellretiredpartners.com