

## Client Alert

### Unicor Banned From Competing In Small Business Set Asides For Services

February 14, 2005

On February 3, 2005, in response to two protests filed by small business contractors challenging the award of a contract to UNICOR (Federal Prison Industries or "FPI") under a total small business set-aside procurement, the SBA determined that UNICOR is other than small under the applicable size standard. UNICOR contended that, irrespective of its size, "it is eligible to compete for this procurement because recent changes in the law [specifically, March 26, 2004, amendments to the FAR] now define small business set asides as including FPI," but the SBA held that those requirements are not mandatory if the solicitation involves "acquiring services," as opposed to purchasing items listed on FPI's schedule.

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

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