

## CLIENT ALERT

### VA Allowed to Disregard Vet Preference

Jun.13.2014

In *Kingdomware Techs., Inc. v. U.S.* (June 3, 2014), a majority of a Federal Circuit panel held that the language of the Veterans Act stating that the VA "shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans" whenever the VA identifies two or more viable competitors was not actually a mandatory requirement, but could be used or not by the VA to meet its annual goals for contract awards to Veteran-Owned Small Businesses (VOSBs) and Service-Disabled Veteran-Owned Small Businesses (SDVOSBs). The dissenting judge, agreeing with the contrary interpretation of GAO, argued Congress had made the provision mandatory so that the VA would meet its goals.

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

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