

Power Law Office

March 11, 2010

Dear John,

HUBZone set-aside Preference over 8(a) and SDVOB Declared

Analysis of Court of Claims Decision Coming

On March 2, 2010 the Court of Federal Claims released a public copy of a decision it reached on February 26, 2010. The decision ruled that the HUBZone set-aside in the Small Business Act is mandatory and takes precedence over both the 8(a) and SDVOB permissive set-asides included in the Act. In so ruling, the court rejected the positions taken by OMB, SBA, and the Department of Justice that there was parity among these three set-asides. The decision has wider implications than just giving the HUBZone program an advantage. How does it affect the new VA SDVOB set-aside program? In rejecting some of SBA's regulations does this decision have a potential impact on other agency regulation, specifically the SBA and VA regulations. I will be issuing an article on my view of these issues soon and sending it to you. If you have questions on the decision you can send them to me at info@powerlawoffice.com and I will try to include answers to these questions. Forward this message to anyone you think will be interested in this issue.

Thank you for your time. I know you receive many messages a day. I know you will find the upcoming article helpful if you are involved with HUBZone, 8(a), or SDVOB concerns.

Sincerely,

Timothy Power
Power Law Office
