

View From Wiley Rein: The Student Becomes the Master—How to Avoid Ostensible Subcontractor Affiliation When Large and Small Businesses Switch Roles in Set-Aside Procurements

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Agencies, responding to various imperatives or motivations—legal, political, philosophical commonly “set-aside” procurements for competition among various types of small businesses. Indeed, increased small business participation in federal procurements seems to be one thing on which agencies and Congress can agree. And, from a strictly legal standpoint, agencies are required to set aside any given acquisition under the so-called “Rule of Two,” a Federal Acquisition Regulation (“FAR”) provision which, for procurements over \$150,000, requires a total small business set-aside if there is a “reasonable expectation” that offers will be received from at least two responsible small business concerns (“SBCs”) and that award can be made at a “fair market price.” [Click here to read the full article.](#)

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