

**For Immediate Release**

**VETERANS FIRST PREFERENCE UNDER COURT REVIEW**

**(SDVOSB News Services, March 15, 2012, San Francisco)** – **The SDVOSB Network, Inc.**, filed suit in federal district court here today petitioning the court to declare that the Veterans Administration (VA) is **violating** the “Veterans First” (PL 109-461) program by acquiring goods and services through Federal Supply Schedule (FSS) without first determining if there are two or more SDVOSBs or VOSBs that can do the work at a fair and reasonable price. The suit could open up billions of dollars in VA contracting opportunities for Veterans throughout the country.

The government moved to dismiss the suit on procedural grounds that there was not any SDVOSB or VOSBs that were actually harmed, and if there was harm that each individual member could sue in the Court of Federal Claims (COFC) versus the SDVOSB Network suing in District Court.

In a pivotal question, the judge asked the government “if the SDVOSB Network went to the COFC, would the government stipulate that the SDVOSB Network was an “interested party” so that they could be heard in the COFC? The government contends that the Network cannot sue in the COFC and would oppose that action. The judge further queried the government on where could the Network file the suit? The VA had no answer.

Timothy Power, attorney for the SDVOSB then argued in favor of the district court judge hearing and ruling based on the fact that there would not be a jurisdiction for veterans as a whole on these issues. In a late Thursday evening decision, the district court judge stayed his ruling pending determination of whether COFC has jurisdiction instead of district court.

On the issue of whether or not veteran business owners were harmed by the VA’s policy of preferring the FSS, the government argued that veterans were not harmed. The judge did not accept the VA’s position. In fact, the judge said “...if I allowed discovery, I bet we would find hundreds of cases where the government used the FSS instead of Veterans First set-aside” (that harmed SDVOSB/VOSB).

In a statement after the hearing, Valerie Lewis, President of the SDVOSB Network, Inc. commented: “We are very excited the court did not buy the government arguments, and we are looking forward to the court’s decision for the rights of SDVOSBs everywhere.” **The SDVOSB Network needs to establish “harm” done to veterans and requests SDVOSB/VOSB that missed contracting opportunities because the VA went FSS to contact:**

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