

**United States Small Business Administration  
Office of Hearings and Appeals**

CVE Protest of:

Crosstown Courier Service, Inc.

Protestor,

Re: Marquis Solutions, LLC

Solicitation No. 36C24219Q0078  
U.S. Department of Veterans Affairs  
Network Contracting Office 2

SBA No. CVE-119-P

Decided: May 22, 2019

APPEARANCES

Christopher J. Noyes, CEO, for Crosstown Courier Service, Inc., Protestor

Frank Redavide, President, for Marquis Solutions

DECISION

I. Introduction and Jurisdiction

On April 12, 2019, Crosstown Courier Service, Inc. (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of Marquis Solutions, LLC, (Marquis) in connection with U.S. Department of Veterans Affairs (VA) Solicitation No. 36C24219Q0078.

The U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) adjudicates SDVOSB protests under the authority of 38 U.S.C. § 8127, and 13 C.F.R. § 134.102(u).<sup>1</sup>

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<sup>1</sup> On October 1, 2018, 13 C.F.R. § 134.102(u) took effect, establishing OHA's jurisdiction over protests of eligibility for inclusion in the Department of Veterans Affairs Center for Verification and Evaluation (CVE) database. 83 Fed. Reg. 13626, 13628 (Mar. 30, 2018).

## II. Background

### A. Solicitation

On January 10, 2019, the VA Network Contracting Office 2, issued Request for Proposals (RFP) No. 36C24219Q0078 for pharmacy and laboratory courier services. (Case file (CF) Ex. 60.) The Contracting Officer (CO) set the procurement aside entirely for SDVOSBs and designated North American Industry Classification System (NAICS) code 492110, Couriers and Express Delivery Services, with a corresponding 1,500 employee size standard. Proposals were due on January 24, 2019. (*Id.*) On April 5, 2019, the CO notified Protestor, an unsuccessful offeror, that Marquis was the awardee. (CO Memo, April 15, 2019.)

### B. Protest

On April 12, 2019, Protestor filed a status protest against Marquis. On April 16, 2019, OHA received the status protest. Protestor alleges that, according to the Veterans Affairs (VA) Center for Verification and Evaluation (CVE) Vendor Information Page (VIP) profile for Marquis, the company has only two employees and the business address is a single-family home. Frank Redavide, Marquis's president, is listed as a real estate agent. Protestor alleges this information shows Marquis could not comply with FAR 52.219.14, which requires an SDVSB to perform at least 50% of a contract with its own employees. (Protest at 1.)

Protestor argues there is a large disparity between its own estimated costs for this procurement and the total awarded amount. Protestor maintains its costs are such that it does not believe that this contract could be performed effectively for the amount of the award to Marquis. (*Id.* at 2-3.) Protestor also noted Marquis is not classified under NAICS code 492210 on VETBiz Vendor's page. Protestor maintains a contract cannot be awarded if a firm is not certified on VIP with the correct NAICS code. (*Id.*)

Protestor alleges Marquis is described on its own website as an online marketing company that specializes in internet strategies, web design, and web development, and has only two employees. Protestor alleges Marquis's main business is not in the medical courier field. Mr. Redavide is associated with other businesses. Protestor further alleges Marquis is a “pass-through” or “rent-a-vet” entity. Protestor alleges Marquis shares the same address with at least three other businesses. (*Id.* at 2.)

Protestor requests this matter be investigated to determine who controls the company per 13 C.F.R. § 125.10, and that the contract be suspended. (*Id.* at 3.)

### C. Marquis's Response to Protest

On April 16, 2019, Marquis responded to the instant protest. Marquis states that it has been registered and verified in the CVE's VIP database since December 16, 2017. (Response, at 1.) Marquis has been registered in the System for Award Management (SAM) since October 4, 2017, and that once certified as an SDVOSB, Marquis updated its SAM profile to reflect its certifications. (*Id.*) It has added several new NAICS codes since that time. Marquis asserts it has

always been 100% owned and controlled by Frank Redavide, a 100% disabled veteran. (*Id.*) Marquis maintains Protestor has a long history of filing protests when it did not receive an award, and requests that the protest be denied. (*Id.*)

### III. Discussion

As a preliminary matter, I note that as of October 1, 2018, OHA has jurisdiction over all SDVOSB protests pertaining to issues of ownership and control. *See* 13 C.F.R. § 134.102(u). SBA has also issued substantive rules that, among other things, now address the issue of ownership and control for both SDVOSBs that have been certified in the VA's CVE and Service-Disabled Veteran-Owned Small Business Concerns (SDVO SBCs) that self-certify for procurements other than those issued by the VA. *See* 83 FR 48908 (September 28, 2018), to be codified at 13 C.F.R. part 125.

Under the regulations, I may only consider this protest if it (1) presents specific allegations supporting the contention that Mr. Redavide cannot provide documentation he is a service-disabled veteran (13 C.F.R. § 134.1003(a)), or (2) presents credible evidence that Marquis is not 51% owned and controlled by one or more service-disabled veterans (13 C.F.R. § 134.1003(b)).

Here, Protestor has made no such allegations, either as to Mr. Redavide's status, or his ownership and control of Marquis. All of Protestor's allegations go to Marquis's ability to perform the contract, its classification on VETBiz Vendor's page, other businesses Mr. Redavide may be involved in, and whether Marquis can perform the contract for the amount of the award. OHA has no jurisdiction over any of these issues. Accordingly, I find that I must dismiss this protest, for lack of jurisdiction over the subject matter.

### IV. Conclusion

Protestor has failed to raise any issue over which OHA has jurisdiction. Therefore, I DISMISS the protest. This is the final agency decision of the U.S. Small Business Administration. 38 U.S.C. § 8127; 13 C.F.R. § 134.1007(i).

CHRISTOPHER HOLLEMAN  
Administrative Judge