

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

CVE Protest of:

Land Shark Shredding, LLC,

Protester,

Re: Security Operations Group  
International, LLC

Solicitation No. 36C25619Q0109  
U.S. Department of Veterans Affairs

SBA No. CVE-138-P

Decided: October 21, 2019

ORDER DISMISSING PROTEST

I. Background

On April 26, 2019, Land Shark Shredding, LLC (Protester) filed the instant protest against Security Operations Group International, LLC (SOGI) in conjunction with Invitation for Bids (IFB) No. 36C25619Q0109, issued by the U.S. Department of Veterans Affairs (VA). The protest purported to challenge both SOGI's size and its status as a Service-Disabled Veteran-Owned Small Business (SDVOSB). On October 8, 2019, VA referred the status portion of the protest to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review.<sup>1</sup> OHA adjudicates SDVOSB status protests pursuant to 38 U.S.C. § 8127(f)(8)(B) and 13 C.F.R. part 134 subpart J.

The protest alleged that SOGI will be unusually reliant upon a subcontractor to perform the contract, in contravention of SBA's ostensible subcontractor rule, 13 C.F.R. § 121.103(h)(4). (Protest at 2-3.) The protest did not, however, present any allegations, facts, or evidence to suggest that SOGI is not owned and controlled by one or more service-disabled veterans. On October 10, 2019, OHA ordered Protester to show cause why the status portion of the protest should not be dismissed as nonspecific.

In response to OHA's Order, Protester does not dispute that its original protest was deficient. Rather, Protester requests that OHA consider an amended version of its protest. The amended protest is dated October 16, 2019, and states that Protester first learned that SOGI had been selected for award on April 24, 2019. (Amended Protest at 1.) After repeating the

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<sup>1</sup> Protester's size allegations were directed to SBA's Office of Government Contracting — Area V

allegations set forth in the original protest, the amended protest adds a new section entitled “Veteran Control,” in which Protester contends that SOGI did not comply with certain requirements of the solicitation, and that SOGI must rely upon a subcontractor to perform the instant contract. (*Id.* at 3-4.)

## II. Discussion

Under 13 C.F.R. § 134.1005(a)(2), a proper status protest must contain “[s]pecific allegations supported by credible evidence that the concern does not meet the eligibility requirements for inclusion in [VA's Center for Verification and Evaluation] database”. A nonspecific protest must be dismissed. 13 C.F.R. § 134.1007(b). In the instant case, Protester's original protest, submitted on April 26, 2019, was styled as both a size and a status protest, but did not present any allegations, facts, or evidence to suggest that SOGI is not owned and controlled by one or more service-disabled veterans. Section I, *supra*. The protest therefore was nonspecific and must be dismissed. *CVE Protest of Progressive X-Ray, Inc.*, SBA No. CVE-101-P, at 1-2 (2019) (dismissing status protest that did not “allege that the apparent awardee is not owned or controlled by a service-disabled veteran, nor does it challenge the service-disabled status of the apparent awardee's owner”).

Protester seeks to cure the defects in the original protest by introducing an amended version of the protest, but this effort fails for two reasons. First, the new allegations in the amended protest are plainly untimely, as a status protest must be filed within five business days after the protester learns the identity of the apparent awardee. 13 C.F.R. § 134.1004(a)(2)(i). By Protester's own admission, the new allegations in the amended protest were raised several months after Protester became aware that SOGI had been selected for award, and Protester has not explained why the new allegations were not, or could not have been, included in its original protest. Section I, *supra*. Second, even if OHA were to find the amended protest timely, the amended protest still does not present any reason to believe, or credible evidence, that SOGI is not an eligible SDVOSB. *Id.* Like the original protest, then, the amended protest is nonspecific, and thus deficient.

## III. Conclusion

For the above reasons, the protest is DISMISSED. This is the final agency action of the U.S. Small Business Administration. 38 U.S.C. § 8127(f)(8)(B); 13 C.F.R. § 134.1007(b).

KENNETH M. HYDE  
Administrative Judge