

**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. 36C25819Q0366
U.S. Department of Veterans Affairs

SBA No. CVE-139-P

Decided: October 22, 2019

ORDER DISMISSING PROTEST

I. Background

On October 1, 2019, Land Shark Shredding, LLC (Protester) filed the instant protest against Security Operations Group International, LLC (SOGI) in conjunction with Request for Quotations (RFQ) No. 36C25819Q0366, 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). According to the protest, SOGI will be unusually reliant upon a subcontractor to perform the contract, in contravention of the ostensible subcontractor rule, 13 C.F.R. § 121.103(h)(4). (Protest at 2-3.) The protest did not present any allegations, facts, or evidence to suggest that SOGI is not owned and controlled by one or more service-disabled veterans. (*Id.*)

On October 16, 2019, the Contracting Officer (CO) referred the status portion of the protest to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review.¹ The CO explained that, although Protester attempted to submit a quotation for the instant procurement, its quotation was late and thus was not considered for award. (CO's Referral Letter (Oct. 16, 2019), at 2.) Protester "was notified on September 12, 2019 [that it was] being excluded from evaluation due to a 'LATE' offer." (*Id.*)

¹ OHA adjudicates SDVOSB status protests pursuant to 38 U.S.C. § 8127(f)(8)(B) and 13 C.F.R. part 134 subpart J.

II. Discussion

I agree with the CO that it appears doubtful that Protester has standing to bring the instant protest. While OHA's rules of procedure do permit "an offeror" to file a status protest against a competitor, Protester here arguably was not "an offeror" on this procurement insofar as Protester did not submit a timely quotation. 13 C.F.R. § 134.1002(b).

Nevertheless, it is unnecessary to resolve the question of Protester's standing, because the protest must, in any event, be dismissed as nonspecific. 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). Here, Protester's protest 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*. Merely alleging that SOGI will be unusually reliant upon a subcontractor to perform the instant contract does not shed light on such matters. 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 d[id] it challenge the service-disabled status of the apparent awardee's owner").

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