

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

CVE Protest of:

SouthCo Services LLC,

Protestor,

Re: Alrac Escalators LLC

Solicitation No. 36C26220R0162

U.S. Department of Veterans Affairs

SBA No. CVE-228-P

Decided: May 9, 2022

ORDER DISMISSING PROTEST¹

On April 1, 2022, SouthCo Services LLC (Protestor) filed the above-captioned protest challenging the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of Alrac Escalators LLC (Alrac), the apparent awardee of U.S. Department of Veterans Affairs (VA) Request for Quotations No. 36C25222Q0326. Protestor specifically alleged that Alrac will be unusually reliant upon one or more non-SDVOSB subcontractors to perform the contract, in contravention of 13 C.F.R. § 134.1003(c). The Contracting Officer (CO) forwarded the protest to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review.

On April 22, 2022, in response to a concurrent size protest filed against Alrac, SBA's Office of Government Contracting — Area I issued Size Determination No. 1-SD-2022-13, concluding that Alrac is not small for the instant procurement. The CO then notified OHA that, in light of the size determination, VA would terminate the award to Alrac. (E-mail from R. Knight (Apr. 29, 2022).)

OHA's rules of procedure permit an unsuccessful offeror to file a status protest against the awardee of a VA procurement. 13 C.F.R. § 134.1002(b). Here, though, Alrac is no longer the apparent awardee of the subject procurement, nor is Alrac eligible for award following issuance of Size Determination No. 1-SD-2022-13. Furthermore, Protestor's allegations against Alrac in the instant protest pertained specifically to Alrac's SDVOSB status for this procurement, an issue which is rendered moot if Alrac is not the awardee. Accordingly, there is no longer any case or controversy for OHA to adjudicate. *See, e.g., CVE Protest of Reliable Vets, LLC*, SBA No. CVE-222-P (2022); *CVE Protest of Allserv, Inc.*, SBA No. CVE-207-P (2021); *CVE Protest of*

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

Crosstown Courier Serv., Inc., SBA No. CVE-161-P (2020). Protestor has notified OHA that Protestor does not object to dismissal of this protest.

For the above reasons, the protest is DISMISSED as MOOT. This dismissal is without prejudice to any new status protest that may be filed stemming from a new award decision. 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