

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

CVE Protest of:

Vet Reporting, LLC,

Protestor,

Re: Jamison Professional Services, Inc.

Solicitation No. 36C25022Q0972

U.S. Department of Veterans Affairs

SBA No. CVE-250-P

Decided: December 5, 2022

APPEARANCES

Thomas Bailey, President, Vet Reporting, LLC, Marietta, GA 30062

Samuel Jamison, President/CEO, Jamison Professional Services, Inc., East Point, GA 30344

DECISION

I. Introduction and Jurisdiction

On October 7, 2022, the Contracting Officer (CO) for the subject procurement forwarded to the Small Business Administration (SBA) Office of Hearings and Appeals (OHA) a status protest filed by Vet Reporting, LLC (Protestor) against Jamison Professional Services (JPS) in connection with the U.S. Department of Veterans Affairs (VA) Solicitation No. 36C25022Q0972. Protestor alleges that JPS is not eligible for the subject Service-Disabled Veteran-Owned Small Business (SDVOSB) set aside because it is not controlled by a service-disabled veteran (SDV). For the reasons discussed *infra*, the protest is DENIED.

The U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) adjudicates SDVOSB status protests pursuant to 38 U.S.C. § 8127(f)(8)(B) and 13 C.F.R. part 134 subpart J. Protester filed its protest within five business days of receiving notification that JPS was the apparent awardee, so the protest is timely. 13 C.F.R. § 134.1004(a)(2)(i). Accordingly, this matter is properly before OHA for decision.

## II. Background

### A. Solicitation and Protest

On August 15, 2022, the VA issued the subject solicitation for court reporting services. (Case File (CF), Exh. 244.) The CO set the procurement entirely aside for SDVOSB businesses and designated North American Industry Classification System (NAICS) code 561492, Court Reporting and Stenotype Services, with a corresponding \$16.5 million annual receipts size standard, as the applicable code. The Performance Work Statement calls for the provision of court reporter services. While it calls for the individual reporters to be certified, the PWS does not include any requirement that the contractor must be licensed. (*Id.*, at 4-6.)

On October 3, 2022, VA awarded the contract to JPS. On October 7, 2022, Protestor filed the instant protest. Protestor alleges that JPS has not been properly certified by VA's Center for Verification and Evaluation (CVE) to perform the services required by this Solicitation. Protestor further alleges that JPS does not have the necessary license to perform these services and should not have been listed in the Vendor Information Pages (VIP) at the time of award. In addition, the failure to obtain a critical license raises doubts as to whether JPS's principal is qualified to oversee its line of business. (Protest, at 1.)

Protestor asserts that JPS is incorporated in the state of Georgia, and performs court reporting services there. However, JPS does not currently hold a Georgia court reporting license, nor has it ever held one. (*Id.*, at 1-2.) Protestor argues that Georgia law requires a court reporter to register and pay an annual licensing fee or be subject to a fine. (*Id.*, at 2-3, citing O.C.G.A. §§ 15-14-20, 15-14-37(d), (e) & (g).) Protestor points to the regulatory requirement that an SDVO SB must obtain and keep all required licenses current. (*Id.* at 3, citing 13 C.F.R. § 125.14(g)<sup>1</sup> & (i)(6).) Protestor further asserts that as part of the VIP vetting process, a business must attest that it has obtained all necessary licenses required to operate the business at the state and local level. An applicant must attest that it has submitted each required license to CVE for verification. (*Id.*, at 4, citing VA Business License Declaration, Protestor Exh. 4.) If it appears that a license is required to conduct certain business within a state, the burden is on the applicant to produce the license or to show that one is not required. (*Id.* at 4, citing VA's Verification Assistance Brief, Protestor Exh. 5.)

Protestor argues it is inexplicable for JPS to be incorporated and operate out of Georgia without a Georgia Court Reporting license. The company must have obtained all permits, licenses and charters required to operate its business, or provide CVE with a detailed explanation as to why it does not have a license as a prerequisite to being listed in the VIP database for NAICS code 561492. (*Id.*, at 4-5.) Protestor maintains JPS lacks a critical license under 13 C.F.R. § 125.14(i)(6) and should be ineligible for award of this procurement.

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<sup>1</sup> 13 C.F.R. § 125.13 was redesignated to 13 C.F.R. § 125.14. 87 Fed. Reg. 43731, 43739 (July 22, 2022) (effective Aug. 22, 2022).

## B. JPS Response to Protest

On October 25, 2022, JPS responded to the Protest. JPS asserts it is a national staffing, project management and operational solutions company. It provides an extensive list of support services, including professional industry experts, in areas of administrative support, program management, acquisition support, document/media solutions management, strategic planning, and professional certified court reporters and transcriptionists. While JPS provides certified court reporting and transcription support services, it is not “strictly” a Court Reporting Firm. (JPS Response, at 1.)

JPS notes that Article 7 of the Board of Court Reporting of the Judicial Council of Georgia Rules and Regulations defines a court reporting firm as a sole proprietorship, partnership, corporation or other entity that arranges schedules, provides and/or facilitates court reporting services, including but not limited to, the production, billing, or delivery of transcripts. (*Id.* at 2, citing Judicial Council of Georgia Rules, Art. 7.) JPS states upon receipt of the Protest on October 11, 2022, JPS applied for and received a Georgia Court Reporting License on October 12, 2022. JPS submits a copy of the license. (*Id.* at Exh. 2., JPS business license.) JPS argues that a Georgia Court Reporter license is a requirement for Georgia firms that exclusively and only employ court reporters or provide court reporter services. JPS is not a concern that exclusively provides court reporting services for cases filed in state or local government courts of the state of Georgia. JPS provides court reporter services to the federal government, more specifically to the VA. (*Id.*, at 2.) Therefore, JPS is not required to have a court reporter license to operate in the state of Georgia. JPS argues that to operate as a business in the state of Georgia, it is required to have a Georgia state issued business license, which it has had since 1993. (*Id.*, at 3.)

JPS asserts that it has gone through CVE's verification process and has been verified as an SDVO SB and listed in the VIP program database. (*Id.*) JPS asserts it was never ineligible for award. JPS provides an extensive list of support services beyond court reporting. (*Id.*, at 5.) JPS argues the Georgia Court Reporting Act (the Act) requires firms that perform court reporting for cases in Georgia state courts to have a Georgia Court Reporter license. The Act also requires firms which perform court reporter services exclusively to have a license. JPS is not strictly a court reporting firm and provides its services not in state courts but to the VA. JPS thus argues it was not required to have a Georgia Court Reporter license. (*Id.*, at 5-6.)

## III. Discussion

### A. Burden of Proof and Date of Eligibility

As the protested firm, JPS has the burden of proving its eligibility by a preponderance of the evidence. 13 C.F.R. § 134.1010. The decision must be based primarily on the case file and the information provided by the protester, the protested concern, and any other parties. 13 C.F.R. § 134.1007(g). Accordingly, all the evidence submitted by the Protestor and JPS is part of the record.

I must determine JPS's eligibility as an SDVO SBC as of the date of its offer, September 9, 2022, and as of the date of the Protest, October 7, 2022. 13 C.F.R. § 134.1003(c). The same regulations were in effect for both dates.

### B. Analysis

According to documentation in the Case File, JPS is incorporated in the state of Georgia. CF, Exh. 221. The record reflects that JPS is a small business concern 100% owned by Samuel Jamison, a service-disabled veteran (SDV). CF, Exh. 231. Mr. Jamison is JPS's President and sole director. CF, Exh. 222. Mr. Jamison's resume shows experience in information management and data processing. CF, Exh. 168.

An SDVO SB must be a small business concern that is at least 51% owned by and whose management and daily operations are controlled by service-disabled veterans. 13 C.F.R. § 125.12. Protestor does not raise any issue as to the veteran status of JPS's principal, nor his ownership of the concern, or allege that JPS is unusually reliant upon a subcontractor for performance of the instant procurement. 13 C.F.R. §§ 125.14 (a)-(b), 125.18(f). The protest as to JPS's eligibility then is whether JPS is controlled by a service-disabled veteran. 13 C.F.R. § 125.14(b). Protestor raises only one issue to question Mr. Jamison's control, that JPS does not have a Georgia state Court Reporter's license. Section II.A, *supra*.

The regulations raise an issue of control in cases where a critical license for a firm's operations is held by someone other than the service-disabled veteran (SDV) upon whom the claim of eligibility is based, and Protestor relies upon this regulation. 13 C.F.R. § 125.14(i)(6). Protestor contends that JPS does not hold a critical license under § 125.14(i)(6), and therefore should not be listed on the CVE VIP database. Section II.B, *supra*. However, that is not the question here. 13 C.F.R. § 125.14(i)(6) creates an assumption that a non-SDV individual or entity controls the concern when that non-SDV holds a critical license. There is no evidence in the record of any non-SDV individual holding a critical license. This regulation is not applicable here.

Further, protestor points to 13 C.F.R. § 125.14(g), also part of the regulation on control, which requires an SDVO SB concern to obtain and keep current the licenses required to operate the business. Protestor contends that JPS had the burden to obtain and provide all permits, licenses, and charters to operate a business to meet CVE requirements. Section II.B, *supra*. As highlighted by Protestor, the VA affords applicants the opportunity to provide a required license for a certain business or demonstrate that a license is not required. *Id.* JPS holds and maintains a Georgia business license. JPS purports to have held this business license since 1993 and this matter is not in dispute. Section II.C, *supra*. The question here is whether a Georgia Court Reporting license is a required license. Under the Georgia Court Reporter Act, “[a] court reporting firm doing business in Georgia shall register with the board by completing an application in the form adapted by the board and paying fees as required by the board.” O.C.G.A. § 15-14-37(d). The Act further states “[t]his Code section shall not apply to contracts for court reporting services for the courts, agencies, or instrumentalities of the United States or of the State of Georgia.” O.C.G.A. § 15-14-37(c). Here, JPS clearly states its work as a court reporter is limited to federal administrative venues, which would not be under the state of Georgia's

jurisdiction. Section II.B, *supra*. Second, the Solicitation does not require JPS to have a Georgia Court Reporting license, only certified court reporters. Section II. A, *supra*. The PWS states “[t]he Contractor shall provide only qualified certified Court Reporters to perform these services.” *Id.* Also, the current locations for work performance are all located in Ohio, Indiana, and Michigan with a reserved right to update. *Id.* Thus, I find the Solicitation did not call for an additional license requirement nor included a location in Georgia that would trigger the Act to apply.

Lastly, Protestor contends that a Georgia Court Reporting license is a prerequisite to list JPS on the CVE VIP database. Section II.A, *supra*. The question of licensing is more one of contractor responsibility than of JPS's eligibility as an SDVO SB, and such questions are beyond OHA's jurisdiction. *CVE Protest of Veterans Command, LLC*, SBA No. CVE-191-P, at 5 (2021). OHA's only issue is whether a SDV maintains control over JPS. CVE last verified JPS as a SDVO SB on December 29, 2019, and this verification is valid for three years. CF, Exh. 203. JPS is 100% owned by Mr. Jamison, and there is nothing in the record that would call Mr. Jamison's control of JPS into doubt.

Accordingly, I conclude that JPS has established its eligibility as an SDVO SB, Mr. Jamison clearly owns and controls the concern, and Protestor's allegation that JPS is not controlled by a service-disabled veteran is meritless.

#### IV. Conclusion

For the above reasons, the protest is DENIED. 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(i).

CHRISTOPHER HOLLEMAN  
Administrative Judge