

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

CVE Protest of:

NEIE Medical Waste Services, LLC,

Protestor,

Re: American Vet Solutions, Inc.

Solicitation No. 36C24122Q0552

U.S. Department of Veterans Affairs

SBA No. CVE-251-P

Decided: December 19, 2022

ORDER DISMISSING PROTEST<sup>1</sup>

On November 7, 2022, NEIE Medical Waste Services, LLC (Protestor) filed the above-captioned protest challenging the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of American Vet Solutions, Inc. (AVS), the apparent awardee of U.S. Department of Veterans Affairs (VA) Request for Quotations No. 36C24122Q0552. Protestor specifically alleged that AVS will be unusually reliant upon one or more non-SDVOSB subcontractors to perform the required work, in contravention of 13 C.F.R. §§ 125.18(f) and 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. The CO subsequently informed OHA that VA will undertake corrective action on this procurement, which may result in award to a different offeror, and that the award to AVS was terminated effective November 30, 2022. (E-mail from M. Blanton (Dec. 14, 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, AVS is no longer the apparent awardee of the subject procurement. Furthermore, Protestor's allegations against AVS are contract-specific in nature, and are rendered moot if AVS is not the awardee. Accordingly, there is no longer any case or controversy for OHA to adjudicate. *See, e.g., CVE Protest of SouthCo Servs. LLC*, SBA No. CVE-228-P (2022); *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 Crosstown Courier Serv., Inc.*, SBA No. CVE-161-P (2020). Protestor and AVS do not object to dismissal of the protest.

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<sup>1</sup> 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.

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