

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

SIZE APPEAL OF:

Tire Centers LLC

Appellant

Re: Colony Tire Corporation

Appealed from  
Size Determination No. 3-2009-41

SBA No. SIZ-5047

Decided: June 24, 2009

**ORDER DISMISSING APPEAL**<sup>1</sup>

On April 17, 2009, the U.S. Air Force, Military Surface Deployment and Distribution Command (Air Force) issued Solicitation No. W81GYF-09-R-0015 (RFP) for tire maintenance. The Contracting Officer (CO) issued the solicitation as a total small business set aside and assigned North American Industry Classification System code 441320, Tire Dealers, with a corresponding \$7 million average annual receipts size standard.

On May 16, 2009, the CO awarded a contract arising from the RFP to Colony Tire Corporation (Colony). On May 18, 2009, Tire Centers LLC (Appellant) filed a protest with the CO alleging Colony is not a small business. The size protest stated: "This bid is for a small business with less than 7M in annual sales. I have attached the following link as basis for this claim. Please go to [Colony's website]."

The CO referred the protest to the Small Business Administration (SBA) Office of Government Contracting - Area 3, in Atlanta, Georgia (Area Office). On May 27, 2009, the Area Office issued Size Determination No. 3-2009-41, dismissing Appellant's size protest as non-specific.

The Area Director then instituted his own size protest of Colony, and ultimately issued Size Determination No. 3-2009-42 finding Colony to be other than small for the \$7 million average annual revenue size standard.

On June 15, 2009, Appellant appealed the size determination to the Office of Hearings and Appeals (OHA).

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<sup>1</sup> This appeal is decided under the Small Business Act of 1958, 15 U.S.C. § 631 *et seq.*, and 13 C.F.R. Parts 121 and 134.

The regulations governing size determination procedures before an SBA Area Office state:

A protest must be sufficiently specific to provide reasonable notice as to the grounds upon which the protested concern's size is questioned. Some basis for the belief or allegation stated in the protest must be given. A protest merely alleging that the protested concern is not small or is affiliated with unnamed other concerns does not specify adequate grounds for the protest. No particular form is prescribed for a protest. Where materials supporting the protest are available, they should be submitted with the protest.

13 C.F.R. § 121.1007(b). Protests which do not contain sufficient specificity will be dismissed by SBA. 13 C.F.R. § 121.1007(c). A link to a website alone is not sufficient specificity. *Size Appeal of Sioux Steam Cleaner Corporation*, SBA No. SIZ-4631 (2004); *Size Appeal of Sioux Steam Cleaner Corporation*, SBA No. SIZ-4632 (2004). If a protestor is going to reference a website in its protests, the protestor must identify information from that website and explain why that information demonstrates why the protested concern is other than small. Otherwise, the Area Office and the protested concern would have to guess as to the basis of the protest and thus the protested concern cannot receive adequate notice as to the basis of the protest. Therefore, if a protestor fails to explain why information on a website shows a protested concern is other than small for the size standard applicable to the procurement, area offices must dismiss their protest for lack of specificity and OHA will affirm these dismissals.

Even if the Area Office had not dismissed Appellant's protest for a lack of specificity, the appeal is moot. Specifically, the Area Office found Colony is other than small for this procurement and the contracting officer cancelled the procurement. Hence, there is nothing for Appellant to appeal, for it gained the relief it requested in its dismissed protest. Accordingly, Appellant's appeal is moot and must be dismissed. 13 C.F.R. § 134.316(a).

Accordingly, the appeal is DISMISSED and the decision of the Area Office dismissing Appellant's protest is AFFIRMED.

This is the final decision of the Small Business Administration. *See* 13 C.F.R. § 134.316(b).

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THOMAS B. PENDER  
Administrative Judge