

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

SIZE APPEAL OF:

Ametek SCP, Inc.,

Appellant,

RE: Seacon Phoenix, LLC

Appealed From

Size Determination No. 1-SD-2014-02

SBA No. SIZ-5518

Decided: December 4, 2013

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

**I. Background**

On February 19, 2013, the Department of the Navy, Naval Surface Warfare Center, in Crane, Indiana (Navy), issued Solicitation No. N00164-13-R-GP56 for the procurement of various connectors and receptacles. The procurement was a partial small business set-aside and was classified under North American Industry Classification System (NAICS) code 335931, with a corresponding 500 employee size standard. Amendment 0002 extended the initial offer due date to April 8, 2013.

On October 2, 2013, the Contracting Officer (CO) notified unsuccessful offerors that he had awarded the contract for the small business items to Seacon Phoenix, LLC (Seacon). On October 8, 2013, Ametek SCP, Inc. (Appellant) timely filed a size protest against Seacon. The protest stated:

We have reason to believe Seacon Phoenix, LLC is not a small business under the size standard . . . and request an investigation to confirm the Small Business status of Seacon Phoenix, LLC. If it is determined that Seacon Phoenix, LLC is a large business, we would like to request reissue of the solicitation so that only small businesses may be awarded line items that are set aside for small businesses.

The CO referred Appellant's protest to the U.S. Small Business Administration (SBA) Office of Government Contracting, Area I (Area Office). On October 21, 2013, the Area Office issued Size Determination No. 1-SD-2014-02 (size determination) dismissing Appellant's protest as non-specific.

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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.

On November 5, 2013, Appellant timely appealed the size determination to the SBA Office of Hearings and Appeals (OHA). Appellant asserts that an August 2013 magazine article states that Seacon has 800 employees. Appellant included with its appeal that article and other materials on Seacon.

Seacon did not respond to the appeal.

## II. Discussion

I find the Area Office properly dismissed Appellant's protest. The regulations provide:

A protest must include specific facts. 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.*

13 C.F.R. § 121.1007(b) (emphasis added). The Area Office must dismiss protests that are not sufficiently specific. 13 C.F.R. § 121.1007(c). Here, the Appellant's protest provides nothing beyond the bare allegation that Seacon, the protested concern, is not small. Appellant's protest, therefore, is clearly within the regulatory definition of a non-specific protest. *See Size Appeal of Platinum Business Corporation*, SBA No. SIZ-5198 (2011). Accordingly, the Area Office properly dismissed it.

Appellant's appeal presents new information on Seacon; however, Appellant cannot cure an insufficiently specific protest on appeal by submitting information it did not present in its protest. *Size Appeal of Val-Coast, Inc.*, SBA No. SIZ-5031 (2009).

## III. Conclusion

For the above reasons, I AFFIRM the Area Office's dismissal of Appellant's protest and DENY the instant appeal.

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

CHRISTOPHER HOLLEMAN  
Administrative Judge