

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

SIZE APPEAL OF:

Calderwood Enterprises,

Appellant,

RE: Recreation Resource Management-  
California Land Management Services,  
LLC

Appealed From  
Size Determination No. 06-2022-024

SBA No. SIZ-6148

Decided: April 18, 2022

ORDER DISMISSING APPEAL<sup>1</sup>

On August 9, 2021, the U.S. Department of Agriculture, National Forest Service (Forest Service) issued a “Prospectus for Campground and Related Granger-Thye Concessions.” The prospectus contemplated the award of a concessions contract for operation and maintenance of Forest Service campgrounds in the Hiawatha National Forest, Michigan. (Prospectus at 1.)

On December 16, 2021, the CO informed unsuccessful offerors, including Calderwood Enterprises (Appellant), that Recreation Resource Management-California Land Management Services LLC (RRM-CLM Services) was the apparent awardee. Appellant then filed a protest challenging the size of RRM-CLM Services. On February 7, 2022, the U.S. Small Business Administration (SBA) Office of Government Contracting — Area VI dismissed Appellant's size protest as untimely. Appellant appealed the dismissal to SBA's Office of Hearings and Appeals (OHA).

On March 7, 2022, the CO issued a memorandum to offerors formally cancelling the prospectus. (Memorandum at 1.) The memorandum explained that, due to an administrative error, “this opportunity was inadvertently and incorrectly advertised as [a] Small Business set-aside.” (*Id.*) The Forest Service therefore had decided to cancel the prospectus and “readvertise this opportunity in the future.” (*Id.*)

In light of the CO's memorandum, OHA directed the parties to address whether the instant appeal should be dismissed as moot. In response, RRM-CLM Services and the CO agree

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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.

that the appeal is moot. Appellant, however, objects to dismissal of the appeal because RRM-CLM Services did not respond to the merits of the appeal. (E-mail from F. Sliger (Apr. 14, 2022).) In addition, Appellant takes issue with the reasoning set forth in the CO's memorandum. (*Id.*)

Cancellation of the prospectus renders this appeal moot, as there is no longer a case or controversy for OHA to resolve. Even if OHA were to conclude that Appellant's size protest was improperly dismissed, the issue is now immaterial as RRM-CLM Services is no longer the apparent awardee. OHA lacks jurisdiction to determine whether the CO properly cancelled the prospectus. 13 C.F.R. § 134.102. Further, although Appellant complains that RRM-CLM Services did not respond to the merits of the appeal, OHA's rules of procedure do not require such a response. 13 C.F.R. § 134.309(a).

For the above reasons, this appeal is moot. OHA cannot adjudicate matters that have become moot. 13 C.F.R. § 134.316(c). As such, the appeal is **DISMISSED**. *See, e.g., Size Appeal of SiloSmashers, Inc.*, SBA No. SIZ-6123 (2021); *Size Appeal of Griffin Resources LLC*, SBA No. SIZ-6093 (2021); *Size Appeals of Blueprint Consulting Servs., LLC d/b/a Excelicon and STS-Optimo, CTA*, SBA No. SIZ-6077 (2020). This is the final decision of the U.S. Small Business Administration. *See* 13 C.F.R. § 134.316(d).

KENNETH M. HYDE  
Administrative Judge