

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

SIZE APPEAL OF:

AAR Manufacturing, Inc. d/b/a AAR
Mobility Systems,

Appellant,

RE: Wolverine Tube, Inc. d/b/a Wolverine
Industries

Appealed From
Size Determination No. 3-2021-046

SBA No. SIZ-6151

Decided: May 3, 2022

ORDER DISMISSING APPEAL¹

On July 2, 2021, the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) received an appeal in the above-captioned matter from AAR Manufacturing, Inc. d/b/a AAR Mobility Systems (Appellant). In the appeal, Appellant contended that SBA's Office of Government Contracting — Area III clearly erred in finding that the apparent awardee, Wolverine Tube, Inc. d/b/a Wolverine Industries (Wolverine), is small for the subject procurement.

While the appeal was pending, the procuring agency, the U.S. Air Force Life Cycle Management Center (AFLCMC), informed OHA that it would undertake corrective action on this procurement in response to a bid protest at the U.S. Government Accountability Office. Specifically, AFLCMC would reopen discussions with offerors; obtain and evaluate revised proposals; and make a new award decision. Because the corrective action had the potential to alter the outcome of the source selection, OHA stayed proceedings pending completion of corrective action. On April 28, 2022, the parties notified OHA that, at the completion of corrective action, AFLCMC had cancelled the award to Wolverine and made a new award to Appellant.

As the instant appeal pertains to the size of Wolverine, which after corrective action is not the apparent awardee of this procurement, there is no longer any case or controversy for OHA to resolve. OHA cannot adjudicate matters which have become moot, and the parties are in

¹ 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.

agreement that the appeal is now moot. Accordingly, the appeal is **DISMISSED** as **MOOT**. 13 C.F.R. § 134.316(c); *Size Appeal of Calderwood Enters.*, SBA No. SIZ-6148 (2022); *Size Appeal of Modern Healthcare Servs., J.V.*, SBA No. SIZ-6147 (2022); *Size Appeal of Daniels Building Co. Inc.*, SBA No. SIZ-6118 (2021).

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