

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

VSBC Protest of:

Elevated Technologies, Inc.,

Protestor,

Re: Skyline Elevator Works, Inc. d/b/a  
Veteran Elevator

Solicitation No. 36C24823Q0367

U.S. Department of Veterans Affairs

SBA No. VSBC-276-P

Decided: April 26, 2023

ORDER DISMISSING PROTEST

On March 9, 2023, Elevated Technologies, Inc. (Protestor) filed the above-captioned protest challenging the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of Skyline Elevator Works, Inc. d/b/a Veteran Elevator (Skyline), the apparent awardee of U.S. Department of Veterans Affairs (VA) Request for Quotations No. 36C24823Q0367. The Contracting Officer (CO) forwarded the protest to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review.

While the protest was pending, the parties informed OHA that VA had terminated the award to Skyline in response to a bid protest at the U.S. Government Accountability Office. The CO further explained that, as part of corrective action, VA intends to “re-assess its needs, amend the solicitation, and re-post. Potential vendors (to include [Skyline]) will have the opportunity to be selected.” (E-mail from P. Jarrett (Apr. 25, 2023).)

OHA's rules of procedure permit an unsuccessful offeror to file a status protest against the apparent successful offeror. 13 C.F.R. § 134.1002(b). Here, though, Skyline is no longer the apparent awardee of the subject procurement. Furthermore, some of Protestor's allegations against Skyline are contract-specific in nature, which may be rendered moot if VA changes its requirements or if Skyline is not the awardee. Accordingly, at the present time, there is no longer any case or controversy for OHA to adjudicate. *See, e.g., CVE Protest of NEIE Med. Waste Servs., LLC*, SBA No. CVE-251-P (2022); *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 does not object to dismissal of the protest.

For the above reasons, the protest is DISMISSED. 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. 15 U.S.C. § 657f(f)(6)(A); 13 C.F.R. § 134.1007(b).

KENNETH M. HYDE  
Administrative Judge