

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

VSBC Protest of:

Montana Septic & Sewer, LLC,

Protestor,

Re: Straight Flush Drain Solutions, LLC

Solicitation No. FA462624Q0020

U.S. Department of the Air Force

SBA No. VSBC-384-P

Decided: August 21, 2024

ORDER DISMISSING PROTEST

On May 29, 2024, Montana Septic & Sewer, LLC (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of Straight Flush Drain Solutions, LLC (SFDS), in connection with the U.S. Department of the Air Force (Air Force) Solicitation No. FA462624Q0020. On June 13, 2024, 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, on August 19, 2024, Protestor informed OHA that the Air Force made the award to Protestor. (E-mail from J. Holtz (Aug. 19, 2024).) On the next day, Protestor proffered an imaging of a Standard Form 1449, evidencing the instant contract award as of August 6, 2024.

OHA's rules of procedure permit an unsuccessful offeror to file a status protest against the apparent awardee of an SDVOSB set-aside procurement. 13 C.F.R. § 134.1002(b). Here, it is clear that SFDS is no longer the apparent awardee of the subject procurement. Accordingly, any allegations against SFDS are moot, as there is no longer any case or controversy for OHA to adjudicate. *See e.g., VSBC Protest of Elevated Technologies, Inc.*, SBA No. VSBC-276-P, at 1 (2023); *VSBC Protest of NEIE Medical Waste Service, LLC*, SBA No. VSBC-313-P, at 1 (2023).

Protestor and SFDS do not object to the dismissal of the protest.

For the above reasons, the protest is **DISMISSED**. This dismissal is without prejudice to any new status protest that stems 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).

CHRISTOPHER HOLLEMAN
Administrative Judge