

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

VSBC Protest of:

Tomahawk Sourcing, LLC.,

Protestor,

Re: Lawrence Factor, Inc.

Solicitation No. SPE7M123V8544

DLA Land and Maritime

SBA No. VSBC-318-P

Decided: November 15, 2023

**ORDER DISMISSING PROTEST<sup>1</sup>**

On August 20, 2023, Tomahawk Sourcing, LLC (Protestor) filed the above-captioned protest, challenging the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of Lawrence Factor, Inc. (Lawrence), the apparent awardee of Solicitation No. SPE7M123V8544. The Contracting Officer (CO) forwarded the protest to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA).

On November 6, 2023, OHA ordered Protestor to show cause, no later than November 13, 2023, why the status portion of this protest should not be dismissed as nonspecific. OHA explained that, under OHA's rules of procedure, a proper SDVOSB status protest must contain “[s]pecific allegations supported by credible evidence that the [challenged] concern (or joint venture) does not meet the VOSB or SDVOSB eligibility requirements listed in [13 C.F.R.] part 128.” (Order at 1, quoting 13 C.F.R. § 134.1005(a)(2).) “A protest merely asserting that the protested concern is not an eligible VOSB or SDVOSB, without setting forth specific facts or allegations, is insufficient.” *Id.* A nonspecific protest will be dismissed. (*Id.*, citing 13 C.F.R. § 134.1007(b).)

On November 13, 2023, at 7:51 p.m., Protestor filed an untimely response to the Order stating “[t]he purpose of my protest was to understand why a NON-SDVOSB company was awarded an SDVOSB set a side contract.” (Email from K. Galloway (Nov. 13, 2023).) Protestor asserts Lawrence is not a SDVOSB and provides an unverified screenshot where Lawrence identifies itself as a “Self Certified Small Disadvantaged Business.” (*Id.*)

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<sup>1</sup> This protest is decided under the Small Business Act of 1958, 15 U.S.C. § 657f and 13 C.F.R. Part 134 Subpart J.

Here, Protestor failed to timely respond to the Order. A filing received by OHA after 5 p.m. eastern time (EST) is considered filed on the next day. 13 C.F.R. § 134.204(b)(2). Thus, Protestor's response to the Order is untimely and failure to comply with an OHA order may, by itself, be grounds for dismissal. 13 C.F.R. § 134.219. Further, Protestor fails to offer any specific reason to believe that Lawerence is not owned and/or controlled by one or more service-disabled veterans. Nor does Protestor claim that Lawerence is non-compliant with any of the SDVOSB eligibility criteria set forth in 13 C.F.R. part 128. Merely providing documents without specifying the allegations is insufficient. CVE Protest of Veterans Command, LLC, SBA No. CVE-191-P, at 5 (2021) (dismissing allegations of unusual reliance upon a non-SDVOSB subcontractor when the protestor “offer[ed] no evidence, nor even any specific theory, as to how or why [the challenged firm] might be unable to perform the primary and vital contract requirements or would be unduly reliant upon a non-SDVOSB subcontractor”). Thus, I find Protestor has failed to establish that the instant protest is specific.

For the above reasons, the protest is DISMISSED. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.1007(b).

CHRISTOPHER HOLLEMAN  
Administrative Judge