

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

VSBC Protest of:

Veteran Military Contracting,

Protestor,

Re: GovParts, LLC

Solicitation No. SPE7L0-25-T-2234

Defense Logistics Agency

SBA No. VSBC-426-P

Decided: March 10, 2025

APPEARANCE

Carlos J. Rivera, Senior Partner, Veteran Military Contracting, Spring Grove, Pennsylvania

DECISION

I. Introduction and Jurisdiction

On January 27, 2025, Veteran Military Contracting (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of GovParts, LLC (GovParts) in conjunction with Defense Logistics Agency (DLA) Request for Quotations (RFQ) No. SPE7L0-25-T-2234. Protestor maintains that GovParts is not a certified SDVOSB, and therefore is ineligible for award. For the reasons discussed *infra*, the protest is sustained.

The U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) adjudicates SDVOSB status protests pursuant to 15 U.S.C. § 657f and 13 C.F.R. Part 134 Subpart J. Protestor filed its protest within five business days after receiving notification that GovParts was the apparent awardee, so the protest is timely. 13 C.F.R. § 134.1004(a)(3). Accordingly, this matter is properly before OHA for decision.

II. Background

A. The RFQ

On December 13, 2024, DLA issued RFQ No. SPE7L0-25-T-2234 for rigid connecting links. (RFQ at 6.) The Contracting Officer (CO) set aside the procurement entirely for SDVOSBs, and assigned North American Industry Classification System (NAICS) code 333613, Mechanical Power Transmission Equipment Manufacturing, with a corresponding size standard

of 750 employees. (*Id.* at 1-2.) The RFQ incorporated by reference Federal Acquisition Regulation (FAR) clause 52.219-27, “Notice of Set-Aside for, or Sole-Source Award to, Service-Disabled Veteran-Owned Small Business (SDVOSB) Concerns Eligible Under the SDVOSB Program” (FEB 2024). (*Id.* at 2.) Additionally, the RFQ stated:

NOTE: FAR 19.1403 requires SDVOSB concerns to be certified by [SBA]. Only vendors that are certified by SBA are eligible for SDVOSB set-asides or sole source contracts.

(*Id.*) GovParts and Protestor submitted timely quotes. On January 23, 2025, the CO announced that GovParts was the apparent awardee.

B. Protest

On January 27, 2025, Protestor filed the instant protest with the CO, challenging GovParts' SDVOSB status. Protestor observes that the RFQ was conducted as an SDVOSB set-aside, yet GovParts is not a certified SDVOSB. (Protest at 1.) As a result, GovParts is “ineligible to be awarded the subject contract.” (*Id.*) The CO forwarded the protest to OHA for review.

C. OHA Proceedings

GovParts did not file any formal response to the protest. On March 4, 2025, SBA's Veteran Small Business Certification (VetCert) office confirmed that GovParts is not a certified SDVOSB, and informed OHA that the office has no record that GovParts ever applied for SDVOSB certification. (E-mail from VetCert (Mar. 4, 2025).) On March 6, 2025, DLA reiterated that the procurement was conducted as “a total SDVOSB set-aside”. (E-mail from J. McCluskey (Mar. 6, 2025).) In response to an inquiry from OHA, GovParts asserted that it did not expressly represent itself as an SDVOSB in its quotation. (E-mail from J. Rauner (Mar. 6, 2025).)

III. Discussion

A. Burden of Proof

As the protested firm, GovParts has the burden of proving its eligibility as an SDVOSB by a preponderance of the evidence. 13 C.F.R. § 134.1010.

B. Date to Determine Eligibility

In an SDVOSB status protest pertaining to a procurement, OHA determines the eligibility of the protested concern as of the date of its initial offer or response which includes price. 13 C.F.R. § 134.1003(e)(1). Here, GovParts submitted its quotation on December 23, 2024. Therefore, OHA must examine GovParts' SDVOSB eligibility as of this date, using the substantive ownership and control regulations in effect on that date.

C. Analysis

Applicable law requires that a concern must be an SBA-certified SDVOSB in order to compete for, or to be awarded, an SDVOSB set-aside contract. 15 U.S.C. § 657f(g); FAR 19.1405; 13 C.F.R. §§ 128.200(c)(1) and 128.401(a). Here, there is no dispute that the underlying RFQ was set aside entirely for SDVOSBs. Sections II.A and II.C, *supra*. Likewise, it is undisputed that GovParts was not an SBA-certified SDVOSB as of December 23, 2024, when GovParts submitted its quotation for the instant procurement, nor as of January 23, 2025, when GovParts was selected for award. Sections II.B and II.C, *supra*. As the challenged concern, GovParts bears the burden of proof in this proceeding, and GovParts has not attempted to adduce evidence that it was an eligible SDVOSB. Indeed, in response to an inquiry from OHA, GovParts maintains that it did not intend to represent itself as an SDVOSB in its quotation. Section II.C, *supra*. This protest must therefore be sustained. *VSBC Protest of Aero-Tel Wire Harness Corp.*, SBA No. VSBC-344-P (2024); *VSBC Protest of McKenna Brytan Indus. LLC*, SBA No. VSBC-334-P (2024).

IV. Conclusion

GovParts has not proven that it is an eligible SDVOSB for this procurement. The protest is SUSTAINED. This is the final agency action of the U.S. Small Business Administration. 15 U.S.C. § 657f(f)(6)(B); 13 C.F.R. § 134.1007(i).

KENNETH M. HYDE
Administrative Judge