

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

VSBC Protest of:

Seventh Dimension LLC,

Protestor,

Re: SOF Landing LLC

Solicitation No. FA480925Q0001

U.S. Department of the Air Force

SBA No. VSBC-433-P

Decided: June 5, 2025

APPEARANCES

Robert L. McDonald, Jr., Director of Contract Management, Seventh Dimension LLC,  
Mocksville, North Carolina

Todd R. Overman, Esq., Adam R. Briscoe, Esq., Bass, Berry & Sims PLC, Washington,  
D.C., for SOF Landing LLC.

DECISION<sup>1</sup>

I. Introduction and Jurisdiction

On April 14, 2025, Seventh Dimension LLC (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of SOF Landing LLC (SOF Landing), in connection with U.S. Department of the Air Force (USAF) Request for Quotations (RFQ) No. FA480925Q0001. Protestor alleges that SOF Landing is not an SDVOSB because it is not listed in SBA's Veteran Small Business Certification (VetCert) database of certified SDVOSBs, and because SOF Landing may be affiliated with a non-SDVOSB, Oak Grove Technologies (Oak Grove). For the reasons discussed *infra*, the protest is denied in part and dismissed in part.

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

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<sup>1</sup> This decision was originally issued under the confidential treatment provisions of 13 C.F.R. § 134.205. After receiving and considering one or more timely requests for redactions, OHA now issues this redaction decision for public release.

SOF Landing 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 November 1, 2024, USAF issued RFQ No. FA480925Q0001, seeking a contractor to provide specialized role players in support of training exercises at Pope Army Airfield, North Carolina. The Contracting Officer (CO) set aside the procurement entirely for SDVOSBs, and assigned North American Industry Classification System (NAICS) code 541990, All Other Professional, Scientific and Technical Services, with a corresponding size standard of \$19.5 million average annual receipts. Offers were due November 18, 2024.

### B. Protest

On April 11, 2025, USAF announced that SOF Landing had been selected for the award. On April 14, 2025, Protestor timely filed the instant protest. The CO forwarded the protest to OHA for review.

In its protest, Protestor alleged that SOF Landing is not an SDVOSB. (Protest at 1.) More specifically, SOF Landing was not listed in the VetCert database as of April 14, 2025. (*Id.*) Protestor additionally contends that there may be “a potential organizational conflict of interest” and/or affiliation between SOF Landing and Oak Grove. (*Id.*) In support, Protestor observes that Mrs. Nayda Fancher, owner of SOF Landing, is married to Mr. Joseph Fancher, Business Development Director at Oak Grove. (*Id.*) Protestor contends that this spousal relationship raises “valid concerns” regarding: (1) potential organizational conflict of interest; (2) “[u]ndue influence during the proposal or award process”; (3) affiliation under 13 C.F.R. § 121.103 through common control or identity of interest; and (4) violation of limitation on subcontracting restrictions, in the event that Oak Grove is a subcontractor on this procurement and will perform “the primary portion of the contract.” (*Id.* at 1-2.)

### C. SOF Landing's Response

On May 7, 2025, SOF Landing responded to the protest. SOF Landing argues that Protestor's allegations are unfounded and based on outdated and inaccurate information.

SOF Landing argues, first, that Protestor's claim that SOF Landing is not a certified SDVOSB is incorrect. (Response at 2.) In actuality, SOF Landing was certified by SBA as both an SDVOSB and a Woman-Owned Small Business (WOSB) on November 7, 2024, prior to the proposal submission deadline of November 18, 2024. (*Id.*) Furthermore, SOF Landing's status is publicly verifiable through SBA's Dynamic Small Business Search (DSBS) system. (*Id.*) Accordingly, it is immaterial whether or not SOF Landing also was listed in the VetCert database. (*Id.*)

SOF Landing contends that Protestor offers no evidence, nor any reason to believe, that SOF Landing is not owned and fully controlled by one or more service-disabled veterans. (*Id.* at 3.) Additionally, several of Protestor's allegations do not constitute valid grounds for an SDVOSB status protest under 13 C.F.R. § 134.1003. (*Id.*)

SOF Landing explains that, in August 2024, SBA paused new certification applications through the VetCert portal to upgrade its certification platform. (*Id.*) SOF Landing was certified under SBA's new system, MySBA Certifications, and SBA now lists SOF Landing in the DSBS database as both SDVOSB certified and WOSB certified. (*Id.*) As an SBA-certified SDVOSB, SOF Landing was eligible to compete for, and be awarded, the instant contract. (*Id.*)

SOF Landing reiterates that there is no doubt that it was a certified SDVOSB as of the date of its offer. (*Id.*) Proposals for this procurement were due November 18, 2024, so OHA must examine SOF Landing's SDVOSB eligibility as of this date. (*Id.* at 4.) SOF Landing received its certification approval letter from SBA on November 7, 2024, and a copy of the certification letter was included in SOF Landing's proposal. (*Id.*)

In regard to Protestor's remaining allegations, SOF Landing denies that it is affiliated with Oak Grove, or that its relationship with Oak Grove poses a conflict of interest. (*Id.*) Furthermore, these allegations are not valid grounds for a status protest under 13 C.F.R. § 134.1003. (*Id.*) SOF Landing emphasizes that it is 100% owned by Mrs. Fancher, and she “maintain[s] full and unilateral authority over all matters relating to the company's direction, strategy, assets, liabilities, and governance. No other individual or entity holds any ownership stake, voting rights, or other control in SOF Landing.” (*Id.* at 5, quoting Fancher Decl. ¶ 2.) Meanwhile, although Mr. Fancher is an employee of Oak Grove, he “exercises no ownership, equity, or other form of interest in Oak Grove, nor does he possess any rights—direct or indirect—to control the management, finances, governance, or daily operations of Oak Grove.” (*Id.*, quoting Fancher Decl. ¶ 6.) Because Mr. Fancher does not own or control Oak Grove, the two companies are not owned or controlled by a married couple. (*Id.*)

SOF Landing asserts that it neither shares “corporate officers, managers, or employees” nor shares “office space, production facilities, warehouse capacity, or equipment” with Oak Grove. (*Id.*, quoting Fancher Decl. ¶ 7.) Additionally, Oak Grove and SOF Landing serve separate segments of the marketplace and have different clientele. (*Id.*) SOF Landing has not derived [XXXXX] of its receipts from Oak Grove over the preceding three fiscal years. (*Id.*) SOF Landing argues that, since it is not affiliated with Oak Grove due to shared control or otherwise, the protest is meritless and should be dismissed or denied. (*Id.* at 6.)

SOF Landing insists that neither SOF Landing nor Oak Grove (1) holds any current contract, advisory role, or support position with the procuring activity that would grant them access to internal government data; (2) employs any individual with concurrent official duties inside the procuring activity; or (3) enjoys any privileged channel to obtain competitors' cost, pricing, or technical information. (*Id.*) Furthermore, neither SOF Landing nor Oak Grove performed any systems engineering, technical direction, or acquisition-planning tasks for the procurement. (*Id.*) Neither company had involvement in formulating the RFQ. (*Id.*) SOF Landing and Oak Grove therefore had no opportunity to improperly influence the ground rules in a

manner that could have skewed the competition in their favor. (*Id.*) SOF Landing adds that neither company will be required to render judgments or assessments of the other's proprietary offerings or past performance in any official capacity on behalf of the procuring agency. (*Id.* at 7.) Accordingly, no impaired-objectivity conflict of interest exists or has the potential to arise. (*Id.*)

Lastly, SOF Landing denies that it will be unduly reliant upon Oak Grove to perform the contract. (*Id.*) SOF Landing and Oak Grove have a customary prime-subcontractor relationship in which Oak Grove [XXXXXXXXXXXXX]. (*Id.*) Oak Grove is not the incumbent prime contractor, but instead was a subcontractor to Protestor on the predecessor contract. (*Id.*) SOF Landing [XXXXXXXXXXXXX] from Oak Grove, and [XXXXXXXXXXXXX] Mrs. Fancher did not previously serve with Oak Grove on the predecessor contract. (*Id.*) Additionally, SOF Landing has experience in successfully performing similar projects for federal customers. (*Id.*)

SOF Landing urges OHA to find it is an eligible SDVOSB, not affiliated with Oak Grove, and to dismiss or deny the protest. (*Id.* at 8.)

#### D. Case File

The Case File (CF) indicates that SOF Landing is a limited liability company established in the state of North Carolina. (CF, Exh. 15.) On November 7, 2024, SBA certified SOF Landing as an SDVOSB for a period of three years. (CF, Exhs. 26 and 28.) In an attachment to the approval letter, SBA confirmed SOF Landing's eligibility "to compete for set-aside contracting opportunities, as well as other benefits, as [an SDVOSB]." (CF, Exh. 27.) SBA also noted that SOF Landing would be publicly identified as an SDVOSB in the DSBS system. (*Id.*)

SOF Landing is 100% owned by Mrs. Fancher. (CF, Exh. 12.) She is the Chief Executive Officer and the sole Member of SOF Landing. (CF, Exhs. 10 and 15.) Mrs. Fancher is the highest-compensated employee in the company. (CF, Exh. 11.) In correspondence with SBA, Mrs. Fancher explained that she manages the day-to-day operations of SOF Landing, and oversees all aspects of the business, including strategic planning, staff management, and operational efficiency. (CF, Exh. 10.) No professional licenses or certificates are required to operate SOF Landing. (CF, Exh. 7.)

### III. Discussion

#### A. Burden of Proof

As the challenged concern, SOF Landing 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 a 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, proposals were due November 18, 2024. Section II.A, *supra*.

Therefore, OHA must examine SOF Landing's SDVOSB eligibility as of this date, using the substantive ownership and control regulations in effect on that date.

### C. Analysis

SBA regulations require that “[o]nly certified VOSBs and SDVOSBs are eligible to submit an offer on a specific VOSB or SDVOSB requirement.” 13 C.F.R. § 128.401(a). Furthermore, “[a] concern must be certified as a VOSB or SDVOSB pursuant to [13 C.F.R.] § 128.300 in order to be awarded a VOSB or SDVOSB set-aside or sole source contract.” 13 C.F.R. § 128.200(c)(1).

Here, the record reflects that SBA certified SOF Landing as an SDVOSB on November 7, 2024. Section II.D, *supra*. SOF Landing thus was an SBA-certified SDVOSB at the time of proposal submission on November 18, 2024, as well as on April 11, 2025, when the CO announced SOF Landing as the apparent awardee. Although Protestor highlights that SOF Landing was not listed in SBA's VetCert database as of April 2025, SOF Landing explains that it applied for SDVOSB certification while SBA was in the process of transitioning to a new certification platform. Section II.C, *supra*. As a result, in certifying SOF Landing as an SDVOSB, SBA stated that SOF Landing's status would be shown in the DSBS system. Sections II.C and II.D, *supra*. On this record, then, I agree with SOF Landing that the instant protest is meritless. SOF Landing was an SBA-certified SDVOSB at the time of proposal submission, and SOF Landing's absence from the VetCert database stemmed from SBA's change of certification platforms, not because SBA made an adverse determination on SOF Landing's status as an SDVOSB.

Protestor's remaining allegations are equally unfounded. OHA's rules of procedure require that a proper status protest must include “[s]pecific allegations supported by credible evidence.” 13 C.F.R. § 134.1005(a)(2). Here, Protestor suggests, in a perfunctory manner, that there may be an organizational conflict of interest and/or affiliation between SOF Landing and Oak Grove. Section II.B, *supra*. As SOF Landing observes, however, Protestor offers no reason to believe that SOF Landing and Oak Grove are both controlled by Mr. and Mrs. Fancher, or that the companies may somehow have enjoyed an unfair competitive advantage for this procurement. Section II.C, *supra*. As a result, Protestor's allegations lack proper factual foundation. Furthermore, OHA's rules of procedure specify that a concern's SDVOSB status only may be challenged on the limited grounds of (1) whether the principals are service-disabled veterans; (2) whether the concern is majority-owned and fully controlled by one or more service-disabled veterans; (3) whether a non-SDVOSB subcontractor will perform the primary and vital contract requirements, or the prime contractor will be unduly reliant upon such a subcontractor; and (4) if the concern is a joint venture, whether the joint venture meets the requirements set forth at 13 C.F.R. § 128.402. 13 C.F.R. § 134.1003(a)-(d). In the instant case, Protestor does not dispute that Mrs. Fancher is a service-disabled veteran, nor does Protestor attempt to argue that she does not own, and fully control, SOF Landing. Section II.B, *supra*. Further, although undue reliance upon a non-SDVOSB subcontractor would be valid grounds for protest, Protestor has not adduced facts here to show that SOF Landing will, in fact, subcontract excessively to Oak Grove. *Id.* Accordingly, these portions of Protestor's allegations are not properly before OHA in this proceeding.

IV. Conclusion

SOF Landing has shown that it was an SBA-certified SDVOSB at the time of proposal submission. The protest therefore is DENIED to that extent. Protestor's remaining allegations are not supported by credible evidence and/or are beyond OHA's jurisdiction for an SDVOSB status protest, and therefore are DISMISSED. 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