

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

VSBC Protest of:

Fairfield Refrigeration & Cooling
Equipment,

Protestor,

Re: J&J Mechanical and Construction
Group, LLC

Solicitation No. 36C24226B0001

U.S. Department of Veterans Affairs

SBA No. VSBC-463-P

Decided: January 28, 2026

APPEARANCES

Michael Kost, Owner, Fairfield Refrigeration & Cooling Equipment, Bronx, New York,
for Protestor

Daniella Fischetti, Esq., Lavin & Associates, P.C., Chester, New Jersey, for J&J
Mechanical and Construction Group, LLC

DECISION

I. Introduction and Jurisdiction

On November 18, 2025, the Fairfield Refrigeration & Cooling Equipment (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of J&J Mechanical and Construction Group, LLC (J&J), in connection with Department of Veterans Affairs Solicitation No. 36C24226B0001. The Contracting Officer (CO) forwarded the protest to the Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review. Protestor alleges that J&J is not a qualified SDVOSB for the subject procurement because it failed to meet one or more mandatory requirements under the governing regulations. For the reasons discussed *infra*, I DENY this protest.

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 J&J had been awarded the contract, 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. Solicitation and Protest

On October 15, 2025, the Department of Veteran Affairs issued Solicitation No. 36C24226B0001 for the Replacement of Fan Coils in Building 18 (“Project”), as a 100% SDVOSB set-aside procurement. The North American Industry Classification System (NAICS) code for the subject procurement is 238220 — Plumbing, Heating, and Air-Conditioning Contractors — with a corresponding \$19 million annual receipts size standard. (Solicitation at 1). The period of contract performance is 400 calendar days from the Notice to Proceed (NTP). (*Id.* at 5).

As part of the bid submission, bidders were required to be certified on the Small Business Administration Certification (VetCert) of VetBiz (<https://veterans.certify.sba.gov>) and/or Dynamic Small Business Search (DSBS) SBA - Dynamic Small Business Search, as well as be compliant with VETS 4212 Federal Contractor Reporting. Bids were due on November 18, 2025. J&J — the apparent lowest bidder — was announced as the apparent awardee on the same date. *1 On November 18, 2025, Protestor timely filed the instant protest. Protestor alleged that J&J did not meet one or more mandatory requirements under the governing regulations:

- SBA VetCert SDVOSB Certification (13 C.F.R. Part 125)
- Veteran Ownership & Control Requirements (38 C.F.R. Part 74)
- Eligibility at Time of Bid and Time of Award

On these bases, Protestor alleged that J&J was not an eligible SDVOSB for the purposes of the subject procurement. (Protest at 1).

B. J&J's Response

On December 8, 2026, Counsel for J&J responded to the instant protest, contending that it was entirely unsubstantiated and that it should accordingly be denied, if not dismissed outright. (Response at 1).

J&J asserts it is a certified SDVOSB. J&J points to a search of SBA's website which plainly lists it as a certified SDVOSB. Moreover, a complete copy of J&J's SBA profile shows that it has been certified as both a VOSB and SDVOSB since April 12, 2023, with both certifications being valid until October 12, 2027. (*See* Response Exh. A). A copy of the SBA letter informing J&J of its eligibility was also attached. (*See* Response Exh. B). J&J's bid submission also included a properly completed VETS 4212 form. (*See* Response Exh. C). (Response at 1-2).

While Protestor alleges that J&J “may not meet one of more mandatory requirements under the governing regulations[,]” its actual protest is entirely devoid of specific facts to support

that contention. Indeed, while Protestor states its protest is based on “information available,” Protestor tellingly does not give any specifics as to what that information actually is. (*Id.*, at 2).

Concerning certification outlined in 13 C.F.R. Part 125, as shown above, J&J was indeed an SDVOSB at the time of bid submission, and will be through 2027, which covers the entire duration of contract performance, which is 400 days from NTP. (Response at 2).

Regarding the requirements of 38 C.F.R. Part 74, that J&J's business be veteran owned and controlled, in addition to the information shown above, J&J is also a properly formed LLC with two managers with voting rights who control and manage all aspects of the business and affairs of the company. Mr. Joziph Soliman, the Qualifying Veteran, owns 51% of the company. (*See* Exh. D, J&J Second Restated Operating Agreement). This puts J&J in compliance with the regulations at 13 C.F.R. § 128.200(b). (Response at 2-3).

For the forgoing reasons, the instant protest should be dismissed as without merit.

C. J&J's Supplemental Response and Exhibits

Proceedings in this matter were delayed by the fact that Protestor's email provider rejects emails from SBA accounts, so OHA did not receive the full Case File until January 9, 2026. OHA transmitted the Case File to J&J on January 12, 2026, with an extended deadline for supplemental filings on January 27, 2026. Protestor did not receive the Case File under the terms of the Protective Order, on account of being *pro se* and a potential competitor to J&J.

On January 27, 2026, J&J filed its Supplemental Response, together with Exhibits. (Supplemental Response at 1). J&J noted that Exhibit 21 showed — and Exhibits 22 through 55 corroborated — that J&J submitted its New Certification Request on March 31, 2023, that SBA finalized J&J's SDVOSB certification on April 12, 2023, valid for three years. (*See* Exhs. 22 and 38).

At the time of certification, J&J was operating under the name of J&J Mechanical Contractors, Heating and Air Conditioning, LLC. However, J&J officially changed its name to “J&J Mechanical and Construction Group, LLC.” (*See* Exhs. 27 and 36.) As part of the process, J&J also updated its name with the IRS and verified its EIN in order for the name change to become effective on www.SAM.gov. (*See* Supp. Exh. 67).

On June 8, 2023, J&J made a submission to SBA documenting its name change to “J&J Mechanical and Construction Group, LLC.” (*See* Supp. Exh. 68). SBA reviewed and accepted the change and advised J&J via letter dated that same day that its “business remains certified by the Veteran Small Business Certification Program (VetCert) at SBA. Your certification confirms your eligibility to compete for set-aside contracting opportunities, as well as other benefits, as a Service-Disabled Veteran-Owned Business (SDVOSB).” (*Id.*)

Thereafter, on May 13, 2025, the SBA issued a program update to firms participating in the SDVOSB federal contracting programs, which provided all certified SDVOSB participants

an additional six (6) months eligibility extension. (*See* Supp. Exh. 69). This update extends J&J's certification through October 12, 2027. (Supplemental Response at 2).

J&J argues it was eligible to submit a bid for the instant procurement. J&J's bid, dated November 18, 2025, included all required information, including a VETS 4212 form. (*See* Supp. Exh. 71).

J&J thus argues the instant protest should be dismissed as meritless. (Response at 2).

D. Protestor's Request for Extension

On January 26, 2026, Protestor filed a request for an extension of time in this matter, so as to retain counsel to respond to J&J's pleadings and gain access to the Case File. (Motion at 1). J&J opposed this motion, pointing out that it was unclear precisely how long of an extension Protestor was requesting given its failure to specify a new deadline, and also that Protestor had ample time to address this matter given the previous extension. Moreover, the longer this claim is in limbo, the greater chance there is for the contract to be cancelled outright, which would be severely prejudicial to J&J. (Counsel for J&J Email to OHA, Jan. 27, 2026).

On January 27, 2026, I denied Protestor's Motion on the grounds that — having filed the Protest on November 18, 2025 — Protestor had over two months to retain counsel, and that further delays in these proceedings would be prejudicial not only to J&J but other interested parties in this matter as well. (Order at 1-2).

III. Discussion

A. Burden of Proof and Date of Eligibility

As the protested firm, J&J has the burden of proving its eligibility by a preponderance of the evidence. 13 C.F.R. § 134.1010. The decision must be based primarily on the Case File and the information provided by the Protestor, the protested concern, and any other parties. 13 C.F.R. § 134.1007(g). Accordingly, all the evidence submitted by the Protestor and J&J is part of the record. OHA determines the eligibility of the protested concern's SDVOSB status as of the date of the initial offer, including price. 13 C.F.R. § 134.1003(e)(1).

B. Analysis

I find this protest to be utterly without merit. Protestor, to begin with, only contended that J&J “may or may not” be in violation of a few SBA regulations, and then provided absolutely no evidence to support its assertions. Protestor utterly fails to make any specific allegations that J&J is not in compliance with the regulations.

J&J, in response, provided ample evidence showing that it is in compliance with the regulations requiring that be a small business concern owned and controlled by Service-Disabled Veteran. 13 C.F.R. §§ 128.200-128.203. J&J's SDVOSB status is readily documented on SBA's

website. The Case File corroborates all of J&J's assertions regarding its eligibility, timeline, and its Qualifying Veteran; its Supplemental Exhibits further bolster its credibility.

There is simply no evidence for any of Protestor's claims, nor did Protestor even attempt to provide any. Accordingly, I must deny the instant protest.

IV. Conclusion

For the above listed reasons, I DENY the instant protest. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.1112(d).

CHRISTOPHER HOLLEMAN
Administrative Judge