

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

VSBC Protest of:

Sigo Valiant JV,

Protestor,

Re: KMC Solutions, LLC

Solicitation No. 36C78625B0035

U.S. Department of Veterans Affairs

SBA No. VSBC-464-P

Decided: February 5, 2026

ORDER DISMISSING PROTEST¹

On January 13, 2026, Sigo Valiant JV (Protestor) filed with the U.S. Department of Veterans Affairs (VA) a “Request for a Status Investigation” of the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of KMC Solutions, LLC (KMC), in connection with VA Solicitation No. 36C78625B0035. Protestor reports that bid opening on this Solicitation was September 10, 2025. KMC was the awardee and is performing the contract.

Protestor alleges that KMC is in violation of the ostensible subcontractor rule. Protestor requests that VA initiate an investigation of KMC's performance of the contract. Protestor further requests the Contracting Officer (CO) forward a copy of its request to the Small Business Administration (SBA) Office of Hearings and Appeals (OHA), which it asserts is required by 13 C.F.R. § 134.1004. On January 14, 2026, Mr. Richard Adu of VA forwarded the protest. Mr. Adu's signature block identifies him as the Contracting Officer, but the text of the email identifies him as a Contract Specialist. Mr. Adu's email did not explicitly adopt the protest but forwarded the Protestor's request as instructed by Protestor and included information on the conduct of the procurement.

I find that the filing with OHA was not required by the regulation, and that OHA is without jurisdiction to hear this matter. Protestor could have filed a protest of its own with OHA within five business days of bid opening. 13 C.F.R. § 134.1004(a)(4). Protestor failed to do so. There is no “status investigation” procedure in SBA's regulations. Protestor may be requesting that the CO protest KMC's status, as the CO is entitled to do, but the letter is not clear. 13 C.F.R.

¹ This appeal is decided under the Small Business Act of 1958, 15 U.S.C. §§ 631 *et seq.*, and 13 C.F.R. parts 128 and 134 subpart K.

§ 134.1004(a)(2). If Protestor is requesting that the CO adopt its protest, OHA has no role in the processing of Protestor's request of the CO. Contrary to Protestor's instruction to the CO, there is no requirement that its request to the CO be forwarded to OHA. Mr. Adu's email to OHA is ambiguous. It is not clear whether Mr. Adu is the CO. The email itself does not explicitly adopt the protest; it merely lists information on the conduct of the procurement. The CO is merely forwarding the "Request for a Status Investigation" in accordance with Protestor's request. A CO must explicitly adopt a protest and say they are protesting a concern's status if that protest is to be treated as a CO's protest. If the CO chooses to protest to OHA, OHA will address that protest at that time.

For the above reasons, I DISMISS the instant protest for LACK OF JURISDICTION. This is the final decision of the U.S. Small Business Administration. *See* 13 C.F.R. § 134.316(d).

CHRISTOPHER HOLLEMAN
Administrative Judge