

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

NAICS APPEAL OF:

Veterans Command, LLC,

Appellant,

Request for Quotations No. 1744298

U.S. Department of Veterans Affairs

SBA No. NAICS-6342

Decided: March 14, 2025

ORDER DISMISSING APPEAL

On February 18, 2025, the U.S. Department of Veteran Affairs (VA) issued Request for Quotations (RFQ) No. 1744298 for medical transcription services at VA Medical Centers in Veterans Integrated Service Network (VISN) 19. The Contracting Officer (CO) set aside the procurement entirely for small businesses.

On February 28, 2025, Veterans Command, LLC (Appellant) filed the above-captioned appeal with the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). Appellant alleges that the CO erred by conducting the procurement as a small business set-aside rather than as a Service-Disabled Veteran-Owned Small Business (SDVOSB) set-aside. (Appeal at 1-2.) Appellant urges that the CO must cancel the RFQ and “resolicit the opportunity as an SDVOSB set-aside.” (*Id.* at 2.)

Because it appeared that OHA lacks jurisdiction to adjudicate this dispute, OHA ordered Appellant to show cause why the appeal should not be dismissed. OHA explained that it is well-settled law that “OHA has no jurisdiction to review a [CO's] decision not to set aside a procurement for small business.” (Order at 1, quoting *NAICS Appeal of Latvian Connection LLC*, SBA No. NAICS-5534, at 1 (2014).) Likewise, OHA cannot adjudicate a challenge to a procuring agency's “acquisition strategy” or its “conduct of market research.” (*Id.*, quoting *NAICS Appeal of Tasi, LLC*, SBA No. NAICS-5959, at 1 (2018).) While OHA does have jurisdiction to review the North American Industry Classification System (NAICS) code and size standard assigned to a given solicitation, Appellant here apparently does not take issue with the NAICS code or size standard selected for the instant RFQ. (*Id.*)

On March 12, 2025, Appellant responded to OHA's Order to Show Cause. Appellant asserts that it “does not disagree” with OHA's Order. (Response to Order at 1.)

Accordingly, and for the reasons set forth in OHA's Order to Show Cause, the appeal is **DISMISSED** for **LACK OF JURISDICTION**. OHA is not the appropriate forum to adjudicate

this dispute, and OHA lacks authority in any event to grant Appellant the relief it requests. *NAICS Appeal of Lindahl Reed Inc.*, SBA No. NAICS-6197, at 2 (2023). This is the final decision of the U.S. Small Business Administration. *See* 13 C.F.R. § 134.316(d).

KENNETH M. HYDE
Administrative Judge