

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

VSBC Protest of:

Kaige Electrical Solutions, LLC,

Protestor,

Re: Bear Wood Windows dba Bear
Construction Group, Inc.

Solicitation No. W912DW25BA014

U.S. Army Corps of Engineers

SBA No. VSBC-447-P

Decided: November 14, 2025

ORDER DISMISSING PROTEST

On September 12, 2025, Kaige Electrical Solutions, LLC (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of Bear Wood Windows (BWW), in connection with the U.S. Army Corps of Engineers (“Agency” or “USACE”), Solicitation No W912DW25BA014. The Contracting Officer (CO) forwarded the protest to the Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review on September 22, 2025. Upon review, however, this protest was untimely.

An offeror must file a VSBC Protest within 5 business days of notification of the apparent awardee's identity. 13 CFR § 134.1004(a)(3). On September 2, 2025, the Agency announced BWW was the apparent awardee. However, Protestor did not file its protest until September 12, 2025, after the 5th business day of September 9, 2025.

Accordingly, on September 23, 2025, I issued an Order to Show Cause as to why the appeal should not be dismissed as untimely. The deadline for a response to the Order was September 30, 2025.

On September 30, 2025, Protestor responded to the Notice and Order. Protestor statement in its entirety read: “On September 4th, we emailed [a Procurement Officer for the USACE Seattle District] two documents to notify him of our planned letter of protest based on findings from the Vetbiz.VA website. After further research confirmed the validity, we prepared the protest letter.” (Protestor Response at 1).

This justification is insufficient. Protestor may have planned or telegraphed its intentions to file a protest in advance of the 5th business day after notification — but it ultimately did not do so. The regulation at 13 C.F.R. § 134.1004(a)(3) requires that a protest must be filed within 5

business days of notification of the apparent awardee's identity. Simply put — for whatever reason — this did not happen.

Furthermore, on October 27, 2025 — during the government shutdown due to the lapse in federal appropriations — Protestor filed a request to withdraw its status protest. Protestor's withdrawal renders this dispute moot, as there is no longer any case or controversy for OHA to adjudicate. *E.g.*, *VSBC Protest of Dynamic Integrated Servs.*, SBA No. VSBC-355-P (2024); *VSBC Protest of Tech62, Inc.*, SBA No. VSBC-353-P (2024); *VSBC Protest of Greenstone Constr., Inc.*, SBA No. VSBC-349-P (2024).

Therefore, for this combination of reasons, I DISMISS the instant protest. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.1007(b).

CHRISTOPHER HOLLEMAN
Administrative Judge