



DEPARTMENT OF VETERANS AFFAIRS
Center for Veterans Enterprise
Washington DC 20420

AUG 23 2011

Ms. Lisa Wolford
CSSS.net
3906 Raynor Pkwy
Bellevue, NE 68123

In Reply Refer To: OOVE

Dear Ms. Wolford:

On behalf of the U.S. Department of Veterans Affairs (VA), the Center for Veterans Enterprise (CVE), I am writing to inform you that your service-disabled Veteran-owned small business (SDVOSB), CSSS.net, has been denied for inclusion in the VA VetBiz Vendor Information Pages (VIP) Verification Program.

The decision is based upon the results of a CVE review your submitted documentation and of publicly available information.

Findings

Your VIP profile lists your business as a SDVOSB, and the VA Form 0877 Verification Application you submitted lists you, the service-disabled Veteran, as at least 51% owner of CSSS.net. CVE has confirmed that you have valid service-disabled Veteran status from VA and own at least 51% of CSSS.net. However, CVE is unable to conclude that you satisfy the control requirements set forth in 38 CFR Part 74.

According to corporate documentation you own your percentage of the company through a trust. 38 CFR § 74.3(a) states that, "...a...trust, may be treated as the functional equivalent of ownership by a veteran or service-disabled veteran where the trust is revocable, and the veteran or service-disabled veteran is the grantor, a trustee, and the sole current beneficiary of the trust." You supplied a document entitled "First Restatement of the Lisa N. Wolford Revocable Trust Agreement". This document shows that the trust is revocable, and that you are the grantor and the trustee. However, you are not the sole beneficiary. The trust lists Natalie M. O'Barr and Forrest R. O'Barr as the beneficiaries of the trust. For these reasons CVE is unable to conclude that you meet the ownership requirements set forth in 38 CFR § 74.3.

Conclusion

As the applicant, you bear the burden of establishing with adequate evidence your compliance with the verification program. Therefore, CVE cannot reasonably conclude that CSSS.net meets the ownership and control requirements of a service-disabled Veteran-owned small business as defined in 38 CFR Part 74.

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For the reasons set forth, your application is denied. The specific reasons set forth are contained in the record and support denial of your application. Pursuant to 38 CFR § 74.11(c) “[a]n applicant’s eligibility will be based on circumstances existing on the date of application.” To the extent additional reasons for denial may be present in the record, CVE is not precluded from raising such reasons at a future point in support of its decision. ~~Your business will be ineligible to participate in Veterans First Contracting Program opportunities with VA, and your profile will be removed from the VetBiz VIP database. Your VIP profile will remain out of public view until such time as this denial is overturned, either on a successful Request for Reconsideration or CVE’s processing and approval of a new application.~~ Both options are detailed below.

Request for Reconsideration

According to 38 CFR § 74.13(a), “[a]n applicant may request that the Director, CVE, reconsider his or her decision to deny an application by filing a request for reconsideration with CVE within 30 days of receipt of CVE’s denial decision. ‘Filing’ means a document is received by CVE by 5:30 p.m., Eastern Time, on that day.”

If you wish to file a Request for Reconsideration, ~~please submit a letter that clearly and conclusively addresses each of the issues raised. In addition, you must provide official corporate documentation substantiating each claim made in your request.~~ Screen shots or copies of business profiles in self-reporting databases do not qualify as official corporate records. Without adequate supporting documentation, we will have no rational basis for granting your request for reconsideration.

Please mail your request to the following address:

Mr. Thomas J. Leney
Executive Director, Small and Veteran Business Programs
U.S. Department of Veterans Affairs
Center for Veterans Enterprise
810 Vermont Avenue, NW (00VE)
Washington, DC 20420

Pursuant to 38 CFR § 74.13(b), “[t]he Director, CVE, will issue a written decision within 60 days, when practicable, of receipt of the applicant’s request.” As stated in 38 CFR § 74.13(f), “[e]xcept as provided in paragraph (c) of this section, the decision on the Request for Reconsideration shall be final.” Furthermore, “[o]nce an application...[and its] appeal...ha[ve] been denied, the applicant or participant shall be required to wait for a period of 6 months before a new application will be processed by CVE.” 38 CFR § 74.14.

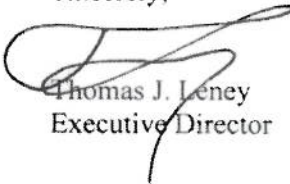
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Reapplication

As stated in 38 CFR § 74.14, if you choose not to file a Request for Reconsideration, you are welcome to submit a new VA Form 0877 Verification Application once you feel that you have corrected the issues raised in this letter. The form must be completed electronically by logging-in to your VIP profile. CVE will process your new application as it would an initial application, in accordance with 38 CFR § 74.11.

Sincerely,



Thomas J. Leney
Executive Director