

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

NAICS APPEAL OF:

Appledore Marine Engineering

Appellant

Solicitation No. N62583-11-R-0505
Department of the Navy
Naval Facilities Engineering Command

Issued: May 5, 2011

Docket No. NAICS-2011-05-04-69

NOTICE AND ORDER

The Office of Hearings and Appeals (OHA) hereby notifies all parties (defined in 13 C.F.R. § 134.101) and other persons (defined in 13 C.F.R. § 134.205(c)) of the May 4, 2011, filing of a North American Industry Classification System (NAICS) code appeal from the above-captioned solicitation.

I. Instructions to the Contracting Officer

The Contracting Officer who designated the NAICS code in this solicitation MUST:

A. Issue within three business days an amendment to the solicitation that notifies potentially interested parties of the pendency of this appeal, including attaching a copy of this Notice and Order. *See Advanced Systems Technology, Inc. v. United States*, 69 Fed.Cl. 474 (2006). After providing the required notice, attach a copy of the amendment to the “Fax-Back Memorandum.”

B. Submit either a paper copy of, or a publicly-accessible internet link to, the original solicitation and all amendments to OHA only, as required by 13 C.F.R. § 134.306(b) and FAR § 19.303(c)(4).

C. Complete and return the “Fax-Back Memorandum” as soon as possible.

D. Submit to OHA any additional amendments made while this appeal is pending.

E. File and serve written notice of any contract award (including date awarded and name of awardee), cancellation, stop-work order, or other litigation affecting the procurement.

The Contracting Officer may also respond to the appeal by the close of record.

II. Responses to the Appeal and Close of Record

Any response to this appeal must be served on all parties to the proceeding or on their attorneys and be **RECEIVED by OHA no later than May 20, 2011**. Except for good cause shown, the record will close on that date.

OHA's rules of practice are at 13 C.F.R. §§ 134.101-317. More information on NAICS code appeals is available at: www.sba.gov/oha.

III. Filing and Service Instructions

A party filing any pleading or other submission must include a Certificate of Service stating how and when the party accomplished service. 13 C.F.R. §§ 134.305(d), 134.204(d). The attached Certificate of Service lists all currently known parties (or their representatives), record addresses, and email addresses or facsimile numbers.

The filing and service requirements for all pleadings and other submissions are at 13 C.F.R. §§ 134.204, 134.305(c), and 134.307. Filing means the **RECEIPT** by OHA of the pleading or other submission. Any filing received by OHA after 5 p.m. eastern time is considered filed on the next day. 13 C.F.R. § 134.204(b). Service means providing a copy of the pleading or other submission to any attorneys or authorized representatives of parties, and to unrepresented parties, at their record addresses. 13 C.F.R. § 134.204(c). All filings must contain the docket number and must be emailed or faxed (recommended methods), personally delivered, commercially delivered, or mailed to:

Office of Hearings and Appeals
U.S. Small Business Administration
409 Third Street, S.W.
Washington, DC 20416
ATTENTION: Patricia Lee, Assistant Size Specialist
(Fax) 202-205-7059 (Voice) 202-401-8200 email: ohafilings@sba.gov

OHA decisions are normally published without redactions on OHA's website within a few days of issuance. A party may request the public decision be redacted by contacting OHA promptly once an appeal is filed. For information on protective orders and OHA's treatment of confidential information, see 13 C.F.R. § 134.205.



KENNETH M. HYDE
Administrative Judge

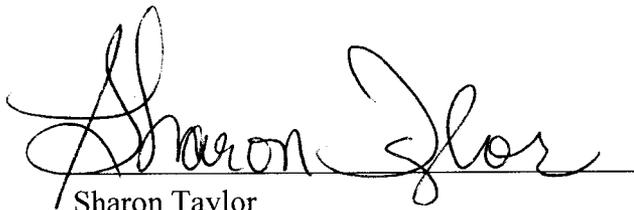
CERTIFICATE OF SERVICE

I hereby certify that, on May 5, 2011, I served the foregoing by email upon the following:

John W. Klein, Esq.
Associate General Counsel for Procurement Law
U.S. Small Business Administration
OPLService@sba.gov

Contracting Officer Chris Henschel
NAVAC
Chris.Henschel@navy.mil

Thomas C. Dwyer
Erin Murphy
Dwyer Donovan and Pendleton
Counsel for Appledore Marine Engineering, Inc.
emurphy@granitestatelawyers.com

A handwritten signature in cursive script, appearing to read "Sharon Taylor", written over a horizontal line.

Sharon Taylor

Office of Hearings and Appeals