

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

NAICS Appeal of:

Peerless Technologies Corporation,

Appellant

Solicitation No. FA228025R004

U.S. Department of the Air Force

SBA No. NAICS-6347

Decided: March 21, 2025

APPEARANCES

Maria L. Panichelli, Esq., McCarter & English, LLP, Philadelphia, Pennsylvania, for Peerless Technologies Corporation

Ashley Nissen, Director of Proposals, Joint Strategic Technologies, Southlake, Texas

Mark A. Lucas, Contracting Officer, U.S. Department of the Air Force, Dayton, Ohio

DECISION

I. Introduction and Jurisdiction

On January 21, 2025, the U.S. Department of the Air Force (Air Force) issued Fair Opportunity Proposal Request (FOPR) No. FA228025R0004 for a task order under the One Acquisition Solution for Integrated Services Plus (OASIS+), Management and Advisory Domain, Multiple Award Contact (MAC). The Contracting Officer (CO) set aside the order entirely for small businesses, and assigned North American Industry Classification System (NAICS) code 541611, Administrative Management and General Management Consulting Services, with a corresponding size standard of \$24.5 million average annual receipts. (FOPR at 2.)

On January 31, 2025, Peerless Technologies Corporation (Appellant) filed the instant appeal, contending that the CO clearly erred in selecting NAICS code 541611, and that the correct NAICS code for the procurement is 541715, Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology), with an associated size standard of 1,000 employees. For the reasons discussed *infra*, the appeal is DENIED.

The U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) decides NAICS code appeals under the Small Business Act of 1958, 15 U.S.C. § 631 *et seq.*, and

13 C.F.R. parts 121 and 134. Appellant filed the instant appeal within 10 calendar days after issuance of the FOPR, so the appeal is timely. Federal Acquisition Regulation (FAR) 19.103(a)(1); 13 C.F.R. §§ 121.1103(b)(1) and 134.304(b). Accordingly, this matter is properly before OHA for decision.

II. Background

A. The FOPR

On January 21, 2025, the Air Force issued FOPR No. FA228025R004 for services in support of AFWERX, a Technical Directorate of the Air Force Research Laboratory. (FOPR at 1.) More specifically, according to the Performance Work Statement (PWS):

This [PWS] describes the performance of tasks that are required to support AFWERX Program Management Office (PMO) in carrying out its mission to increase participation to the maximum practicable extent in [Air Force] acquisitions and the transfer/transition of these technologies to the warfighter and the commercial sector. The scope of this [task order] is to provide advisory and assistance to AFWERX's Research, Development, Test and Evaluation (RDT&E) projects implemented under all AFWERX Program divisions to accomplish its mission. This [task order] will support current and future requirements of all [Air Force] technology, transfer, transition programs and initiatives to engage the industrial base to quickly and agilely support the warfighter. The deliverables include a broad range of program and technical services to assist the PMO in planning, implementing, managing, and reporting critical Congressional-mandated [Air Force] functions to [Air Force] senior leadership, Office of the Secretary of Defense (OSD) leadership, and to Congress.

(FOPR, PWS at 6-7.)

The PWS further specifies the following objectives:

- Unleash Airmen and Guardian potential to create a thriving, productive, and enduring innovation ecosystem in the Department of the Air Force
- Solve problems and enhance the effectiveness of the service by enabling thoughtful, deliberate, ground-up innovation . . .
- Improve and generate a strong Return on Investment (ROI) for the [Air Force] & Department of Defense (DOD) to stimulate technological innovation and contributions from the Small Business (SB) Industrial Base
- Rigorously apply analytic and engineering principles to the AFWERX portfolio to optimize investment and support commercial-based dual-use technology transition to the Warfighter

- Educate and promote (through focused marketing and events) the innovation ecosystem
- Address and provide realistic solutions to Federal Research and Development (R&D) needs
- Stimulate and encourage participation in innovation and entrepreneurship by socially and economically disadvantaged persons
- Increase private sector commercialization of innovations derived from federal R&D
- Support the men and women that comprise the U.S. warfighter, with the most innovative and technologically superior capabilities and ideas.

(*Id.* at 6.)

The PWS divides the required work into eight categories: “Program/Project Management,” “Project Management Support,” “Executive Assistant and Admin Services,” “Marketing,” “Event Planning,” “Information Technology Services,” “Information Protection and Security Services,” and “Security Personnel.” (*Id.* at 10-34.) Specific roles and positions discussed in the PWS include “Business Analyst” (*Id.* at 28-29); “Multimedia Visual Communications Specialist” (*Id.* at 18-19); “Digital Marketing Specialist” (*Id.* at 19-21); “Strategic Communications Strategist” (*Id.* at 14-16); “Strategic Communications Content Specialist” (*Id.* at 16-18); “Event Specialist” (*Id.* at 27-28); “Project Manager/Strategy Coordinator” (*Id.* at 11-12); “Communications Workflow Manager & Scrum Master” (*Id.* at 21-22); “Communications Integration Lead” (*Id.* at 23-24); “Private Capital Project Specialist” (*Id.* at 12); “Administrative Specialist” (*Id.* at 12); “Facilities and Logistics Technician” (*Id.* at 13); and “Security Administration Specialist” (*Id.* at 30-32).

The FOPR states that the task order will have a one-year period of performance, and four one-year options. (FOPR at 1.) In evaluating proposals, the Air Force will select the offer most advantageous to the Government. (*Id.* at 5.) Offerors are evaluated based on three evaluation factors: (1) Past Experience; (2) Technical; and (3) Price. (*Id.*)

B. Appeal

On January 31, 2025, Appellant filed the instant appeal. Appellant challenges the CO's choice of NAICS code 541611, and contends that NAICS code 541715 is the correct classification for this procurement. (Appeal at 1.) In Appellant's view, the principal purpose of the task order is “neither administrative management nor general management consulting services,” but is rather “scientific and technical in nature.” (*Id.* at 8, 10.)

Appellant highlights that the FOPR seeks a contractor familiar with the Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs. (*Id.* at 8.) It follows, then, that the contractor must have some scientific expertise. (*Id.*) Furthermore, the

PWS “requires a contractor to develop and sustain an **innovation** ecosystem specifically targeted to: (1) stimulate technological **innovation** and contributions from the small business industrial base; (2) rigorously apply analytic and engineering principles to the AFWERX portfolio to optimize investment and support commercial-based dual-use **technology transition** to the Warfighter; (3) address and promote realistic solutions to federal **Research and Development** (“**R&D**”) needs; and (4) increase private sector commercialization of **innovations** derived from federal R&D.” (*Id.* at 9 (emphasis Appellant’s).) Additionally, the “Requirements and Tasks” of the FOPR indicate that the contractor will “research and evaluate emerging technologies,” “oversee[] and control[] the use, production and distribution of scientific and technical information,” and “apply[] scientific and technological information.” (*Id.*) As such, Appellant maintains, the contractor will be assisting AFWERX’s research and development efforts to then implement the results. (*Id.* at 10.)

Next, although the FOPR does not specify labor categories, Appellant maintains that, as the incumbent contractor, it is familiar with the labor categories needed to complete the work. (*Id.*) In Appellant’s view, only 10 of the 87 labor categories Appellant currently utilizes would fall within NAICS code 541611. (*Id.*) Appellant adds that, in Appellant’s estimation, these 10 labor categories comprise only approximately 7% of the total labor cost. (*Id.* at 10-11.)

Appellant posits that the CO classified the procurement under NAICS code 541611 based on the erroneous belief that “the nature of the work for [the FOPR] is **services** and does not require the awardee to engage in conducting research & development.” (*Id.* at 11 (emphasis Appellant’s).) Appellant emphasizes that merely because a contract includes “services” does not mean that services represent the principal purpose of the solicitation, or that those services fall under the selected NAICS code. (*Id.*) Appellant contends that neither assumption is valid here. (*Id.*) Furthermore, the NAICS code Appellant advocates also encompasses services in support of research and development. (*Id.*) In *NAICS Appeal of Info. Ventures, Inc.*, SBA No. NAICS-4945 (2008), OHA held that a research and development NAICS code was appropriate for a solicitation involving “administrative and scientific **support** for the development of information materials and background documents on substances.” (*Id.* at 11-12 (emphasis Appellant’s).) OHA explained that:

[T]he work called for in this solicitation, *is an integral part of the research process. While the contractor here will not actually perform any physical research itself, it will be laying the essential groundwork for that physical research.* What the [procuring agency] has done here is to *break out one discrete but essential segment of the research process and contract it out in this procurement.*”

(*Id.* at 12, quoting *Info. Ventures*, SBA No. NAICS-4945, at 5 (emphasis added by Appellant).) Appellant claims that the same should be found here based on the PWS. (*Id.* at 12-14.)

Lastly, Appellant suggests that use of NAICS code 541611 “carries with it a significant risk of nonperformance or deficient or insufficient performance.” (*Id.* at 14.) Appellant asserts that the size standard associated with NAICS code 541611 is too small for companies capable of performing the requested work. (*Id.* at 14-15.) Once awarded, the instant task order would also represent a large share of any such firm’s work. (*Id.* at 15.)

Appellant reiterates its view that NAICS code 541715 is the best designation for the FOPR. (*Id.* at 16.) Based on the *NAICS Manual*,¹ this NAICS code includes “the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experiment development).” (*Id.*, quoting *NAICS Manual* at 470.) The PWS supports this designation since it calls for:

(1) addressing and providing realistic solutions to federal R&D needs; (2) conducting market research and engaging with private investors to support project curation and execution to increase private investment in AFWERX funded companies by private capital investors; (3) researching and evaluating emerging technologies to determine their potential value and applicability to the AFWERX mission by attending and/or participating in industry events, reading research papers, and conducting pilot projects; (4) planning and directing the technical publications program to assure effective dissemination of information and data resulting from all research, development and/or operational support activities of the center/directorate; and (5) researching and compiling statistics and data from identification of program discrepancies and trends.

(*Id.* at 16-17.) The contractor will thus need to employ individuals with a strong understanding of science and technology. (*Id.* at 17.) The contractor will also “support current and future requirements of all [Air Force] technology, transfer, transition programs and initiatives to engage the industrial base to quickly and agilely support the warfighter.” (*Id.*, quoting PWS at 6.) As such, Appellant maintains that the FOPR should be classified under NAICS code 541715. (*Id.* at 18.)

C. JST's Response

On February 19, 2025, Joint Strategic Technologies (JST), a prospective offeror, responded to the appeal. JST agrees with the CO that the FOPR was correctly designated under NAICS code 541611. (JST Response at 1.)

According to JST, the task order “primarily seeks advisory and assistance services, including program management, strategic planning, administrative support, and organizational improvement” as encompassed by NAICS code 541611. (*Id.*) More specifically, the PWS calls for “[p]rogram and project management,” “[s]trategic planning and scheduling,” “[a]dministrative and executive support services,” and “[s]trategic communications and stakeholder engagement.” (*Id.*) JST concedes that the contractor must also perform additional tasks, such as IT support and security services, but maintains that the principal purpose is to assist AFWERX with managing its initiatives, technology transitions, and stakeholder engagement. (*Id.*)

JST notes that the Air Force has previously assigned NAICS code 541611 to similar program management and administrative support procurements. (*Id.* at 2.) JST emphasizes the

¹ Executive Office of the President, Office of Management and Budget, *North American Industry Classification System-United States* (2022), available at <http://www.census.gov>.

importance of retaining the current NAICS code, since reclassification would disadvantage “capable small businesses specializing in management consulting.” (*Id.*)

D. CO's Response

On January 19, 2025, the CO responded to the appeal. The CO defends his choice of NAICS code 541611 for the FOPR.

The CO contends that the purpose of the procurement is to “provide oversight and direction to Research, Development, Test and Evaluation (RDT&E) projects implemented under all AFWERX Program divisions to accomplish its mission.” (CO's Response at 2.) More specifically, such work includes: “contract closeout, executive assistance, strategic marketing, project development, strategic communications, multimedia visuals, communications data analysis, Information Technology (I.T.) services, security, information protection, and work on private capital projects.” (*Id.*) Absent from the PWS, however, is any substantive research and development in physical, engineering, or life sciences. (*Id.*)

Furthermore, SBA regulations define “research and development” as “laboratory or other physical research and development” but not “economic, educational, engineering, operations, systems, or other nonphysical research; or computer programming, data processing, commercial and/or medical laboratory testing.” (*Id.* at 3, quoting 13 C.F.R. § 121.201 fn.11(a).) NAICS code 541715 also does not include the administrative and consulting work here, which merely supports research and development projects. (*Id.*) Rather, in the PWS, “[t]he services range from a Private Capital Project Specialist to an Executive Assistant role to provide high-level administrative support.” (*Id.*) The CO emphasizes that the NAICS codes assigned to other procurements have little or no relevance, since the fundamental issue is to determine the principal purpose of this solicitation. (*Id.*) According to the CO, the principal purpose of the instant task order fits the scope of the OASIS+ MAC, Management and Advisory Domain. (*Id.* at 5.)

The CO independently rejects Appellant's arguments. (*Id.* at 6-12.) The CO emphasizes that the main consideration for a NAICS code designation is the principal purpose of the solicitation. (*Id.* at 6, 8, 9-10.) Appellant reiterates that the contractor here will not perform any research and development. (*Id.* at 7-9.) The CO argues that Appellant selectively quotes from the descriptions of the work in an attempt to support its claim that the contractor will substantively participate in research and development. (*Id.* at 9-11.)

E. NAICS Manual Descriptions

The NAICS code designated by the CO, 541611, Administrative Management and General Management Consulting Services, covers:

[E]stablishments primarily engaged in providing operating advice and assistance to businesses and other organizations on administrative management issues, such as financial planning and budgeting, equity and asset management, records management, office planning, strategic and organizational planning, site selection,

new business start-up, and business process improvement. This industry also includes establishments of general management consultants that provide a full range of administrative, human resource, marketing, process, physical distribution, logistics, or other management consulting services to clients.

NAICS Manual at 467. Index entries which refer to NAICS code 541611 include a variety of consulting fields, such as “[a]dministrative management consulting services,” “[b]usiness management consulting services,” “[f]inancial management consulting (except investment advice) services,” “[g]eneral management consulting services,” “[r]ecords management consulting services,” “[r] organizational consulting services,” “[s]ite selection consulting services,” and “[s]trategic planning consulting services.” *Id.* at 637, 675, 744, 762, 872, 876, 896 and 910.

NAICS code 541611 is one of several codes within NAICS industry group 5416, Management, Scientific, and Technical Consulting Services, which consists of “establishments primarily engaged in providing advice and assistance to businesses and other organizations on management, environmental, scientific, and technical issues.” *Id.* at 466.

The NAICS code advocated by Appellant, 541715, Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology), consists of:

[E]stablishments primarily engaged in conducting research and experimental development (except nanotechnology and biotechnology research and experimental development) in the physical, engineering, and life sciences, such as agriculture, electronics, environmental, biology, botany, computers, chemistry, food, fisheries, forests, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects.

NAICS Manual at 472. NAICS code 541715 falls within NAICS industry group 5417, Scientific Research and Development Services, which encompasses:

[E] stablishments engaged in conducting original investigation undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). Techniques may include modeling and simulation.

Id. at 470. A footnote in the Size Standards table further defines “Research and Development” as “laboratory or other physical research and development” but not including “economic, educational, engineering, operations, systems, or other nonphysical research; or computer programing, data processing, commercial and/or medical laboratory testing.” 13 C.F.R. § 121.201, fn. 11(a).

III. Discussion

A. Standard of Review

Appellant has the burden of proving, by a preponderance of the evidence, all elements of its appeal. Specifically, Appellant must show that the CO's NAICS code designation is based upon a clear error of fact or law. 13 C.F.R. § 134.314; *NAICS Appeal of Durodyne, Inc.*, SBA No. NAICS-4536, at 4 (2003). SBA regulations do not require the CO to select the perfect NAICS code. *NAICS Appeal of Evanhoe & Assocs., LLC*, SBA No. NAICS-5505, at 13 (2013). Rather, the CO must assign the NAICS code that best describes the principal purpose of the product or service being acquired in light of the industry descriptions in the *NAICS Manual*, the description in the solicitation, the relative value and importance of the components of the procurement making up the end item being procured, and the function of the goods or services being acquired. 13 C.F.R. § 121.402(b); FAR 19.102(b)(1). Generally, when a procurement calls for qualitatively different types of products or services, the appropriate NAICS code is the one which represents "the greatest percentage of contract value." 13 C.F.R. § 121.402(b)(2); *see also* FAR 19.102(b).

Applicable regulations instruct that, if the procurement calls for the award of a task or delivery order under a MAC, the CO must assign a single NAICS code to each individual order. 13 C.F.R. § 121.402(c)(2)(i); FAR 19.102(b)(1). When, as here, the underlying MAC contains multiple NAICS codes, the CO must select the NAICS code that "best describes the principal purpose" of the order. *Id.*

B. Analysis

Appellant has not shown that the CO's NAICS code designation is clearly erroneous. This appeal must therefore be denied.

As the CO emphasizes in response to the appeal, the principal purpose of this task order is not to conduct research and development, but rather to promote Air Force research and development projects through marketing and events. The PWS makes clear that the contractor will perform "advisory and assistance" services for AFWERX, specifically "Program/Project Management," "Project Management Support," "Executive Assistant and Admin Services," "Marketing," "Event Planning," "Information Technology Services," "Information Protection and Security Services," and "Security Personnel." Section II.A, *supra*. Likewise, the positions/roles discussed in the PWS include functions such "Business Analyst," "Digital Marketing Specialist," "Strategic Communications Strategist" and "Event Specialist," but the FOPR makes no mention of scientists or other research specialists. *Id.* The contractor's efforts here, then, are akin to business consulting services, and thus fall within NAICS code 541611. Pursuant to the *NAICS Manual*, NAICS code 541611 encompasses a wide range of "establishments primarily engaged in providing operating advice and assistance to businesses and other organizations on administrative management issues, such as financial planning and budgeting, equity and asset management, records management, office planning, strategic and organizational planning, site selection, new business start-up, and business process improvement." Section II.E, *supra*.

OHA precedent confirms that NAICS code 541611 is a proper choice for the FOPR. In *NAICS Appeal of Katmai N. Am., LLC*, SBA No. NAICS-6269 (2023), OHA discussed situations in which NAICS code 541611 has been utilized, explaining:

NAICS code 541611 is appropriate for solicitations that call for an array of consulting and administrative support services such as consulting services for acquisitions, assisting in proposal evaluation, crafting policy, and conducting independent cost analysis. *NAICS Appeal of ALON, Inc.*, SBA No. NAICS-5148, at 8 (2010). Likewise, OHA has found this code appropriate for a solicitation that requires the contractor to develop and maintain management training and educational resources in an established Coordination Center, facilitating substantive discussions by specialists. *NAICS Appeal of Information Ventures, Inc.*, SBA No. NAICS-5544, at 1-2 (2014); *see also NAICS Appeal of IMPAQ International, LLC*, SBA No. NAICS-5415 (2012) (determining NAICS code 541611 appropriate for a contract that requires contractors have “experience in preparing predictive analysis.”) This code covers not merely administrative work, but the provision of consulting and advice. *NAICS Appeal of Millenium Health and Fitness, Inc.*, SBA No. NAICS-6094, at 11 (2021). It covers concerns providing advice and assistance to organizations on management issues. *NAICS Appeal of Integrity Consulting Engineering and Security Solutions, LLC*, SBA No. NAICS-5941, at 8 (2018); *NAICS Appeal of Ace Consulting Svcs., LLC*, SBA No. NAICS-5574, at 5 (2014). This advice can include strategic and organizational planning. *NAICS Appeal of The Tolliver Group, Inc.*, SBA No. NAICS-5705 at 10-11 (2016). In the first case in which this code was at issue, OHA rejected its designation for a procurement seeking the operating of application processing centers, because the code covered the provision of advice and assistance in planning programs. *NAICS Appeal of Panacea Consulting, Inc.*, SBA No. NAICS-4582 (2003).

Katmai, SBA No. NAICS-6269, at 7. As addressed in these prior OHA cases, then, NAICS code 541611 is appropriate when a procurement seeks business consulting, assistance, and advice. Here, based on the FOPR, that is exactly what the Air Force is seeking to promote its research and development projects. Section II.A, *supra*.

Because Appellant has not demonstrated that NAICS code 541611 is clearly incorrect for this procurement, OHA need not consider the NAICS code Appellant advocates, or other alternative codes. It is well-settled that “OHA will not assign a different NAICS code to a procurement unless the CO’s choice of NAICS code is shown to be clearly erroneous.” *NAICS Appeal of Taurean Gen. Servs., Inc.*, SBA No. NAICS-6092, at 6 (2021) (quoting *NAICS Appeal of Dentrust Optimized Care Sols.*, SBA No. NAICS-5761, at 7 (2016)); *NAICS Appeal of Ascendant Program Servs., LLC*, SBA No. NAICS-5832, at 10 (2017).

Nevertheless, Appellant has not shown that the NAICS code it advocates, 541715, Research and Development in the Physical, Engineering, and Life Sciences (except Nanotechnology and Biotechnology), is an appropriate choice for the instant task order. Although Appellant maintains that the contractor likely will require some scientific knowledge to

effectively perform the task order, it is well-settled law that “the mere fact that the contractor will provide assistance or support to a research organization is not sufficient to justify classifying the procurement as research and development.” *NAICS Appeal of Rollout Sys., LLC*, SBA No. NAICS-5901, at 11 (2018). Instead, a research and development NAICS code is proper “only if the contractor will directly perform work that is an integral part of the research and development.” *Id.* In the instant case, nothing in the FOPR suggests that the contractor will have substantive involvement in “conducting original investigation [] on a systematic basis to gain new knowledge (research)” or in “the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).” Sections II.A and II.E, *supra*. NAICS code 541715 is thus not applicable to the type(s) of support services the contractor will perform.

On appeal, Appellant analogizes the situation here to that in *NAICS Appeal of Info. Ventures, Inc.*, SBA No. NAICS-4945 (2008). That case, however, is readily distinguishable. In *Info. Ventures*, the procurement called for “the preparation of information materials and background documents on substances or issues under consideration for toxicological study.” *Info. Ventures*, SBA No. NAICS-4945, at 1. OHA found that “[t]his work is the vital first step in the research process, determining what the current state of knowledge is on any subject to be studied.” *Id.* at 5. As a result, the procuring agency correctly utilized a research and development NAICS code, as the contractor would actively participate in the research and development efforts. The work being done here, in contrast, is not essential, nor substantively related, to AFWERX’s research and development. Instead, the contractor will advise and assist AFWERX on what to do with the projects and how to market them in the private sector. Section II.A, *supra*. Such work is economic in nature, and thus is excluded from the definition of “research and development” under SBA regulations. Section II.E, *supra*.

Appellant additionally argues that the NAICS code 541715 has been utilized for prior procurements with similar requirements. Section II.B, *supra*. Even if so, these procurements are not before OHA, and it is well-settled that OHA attaches little weight to the NAICS codes assigned to other procurements that were not appealed to OHA. *E.g.*, *NAICS Appeal of Veterans First Health Care*, SBA No. NAICS-6212, at 6 (2023); *NAICS Appeal of Millennium Health & Fitness, Inc.*, SBA No. NAICS-6094, at 11 (2021); *NAICS Appeal of Oak Grove Techs., LLC*, SBA No. NAICS-5998, at 9 (2019).

Lastly, Appellant’s policy-based arguments, such as that the CO should have preferred a NAICS code that would maximize capable competition, are meritless, because these considerations “are not part of the criteria for selecting a NAICS code.” *NAICS Appeal of Laredo Tech. Servs., Inc.*, SBA No. NAICS-6309, at 4 (2024); *see also NAICS Appeal of Prime Physicians*, SBA No. NAICS-6185, at 8 (2023); *NAICS Appeal of Potomac Valor Healthcare 2, LLC*, SBA No. NAICS-6172, at 12 (2022); *NAICS Appeal of Pacific Shipyards Int’l, LLC*, SBA No. NAICS-5464, at 6 (2013); *NAICS Appeal of Circle Sols., Inc.*, SBA No. NAICS-5181, at 12 (2011).

IV. Conclusion

Appellant bears the burden of proof in this proceeding, and has not demonstrated the CO clearly erred in selecting NAICS code 541611 for the FOPR. The appeal therefore is DENIED. This is the final decision of the U.S. Small Business Administration. *See* 13 C.F.R. § 134.316(d); FAR 19.103(a)(7).

KENNETH M. HYDE
Administrative Judge