

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

NAICS APPEAL OF:

Mediterranean Linguistics Services, LLC,

Appellant,

Solicitation No. 140D0422Q0767

U.S. Department of the Interior

SBA No. NAICS-6177

Decided: October 26, 2022

ORDER DISMISSING APPEAL<sup>1</sup>

On October 11, 2022, Mediterranean Linguistic Services, LLC (Appellant) filed the above-captioned appeal with the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). The appeal purports to challenge the North American Industry Classification System (NAICS) code assigned to Solicitation No. 140D0422Q0767. In the appeal petition, Appellant disclosed that the procurement was awarded to another firm on or around September 23, 2022, and that Appellant did not submit an offer or quotation in response to this solicitation. (Appeal at 1.)

On October 12, 2022, OHA ordered Appellant to show cause, no later than October 19, 2022, why the appeal should not be dismissed. OHA explained that the appeal appeared to be deficient for multiple reasons. First, because the underlying contract has already been awarded, the appeal may be moot. (Order to Show Cause at 1.) In accordance with 13 C.F.R. § 134.318(c), a NAICS appeal may be summarily dismissed once the contract has been awarded. Second, Appellant acknowledged in the appeal petition that Appellant did not submit an offer or quotation in response to the solicitation. As a result, it was unclear how Appellant was adversely affected by the NAICS code designation, as is required to establish proper standing to bring a NAICS appeal. (*Id.*, citing 13 C.F.R. §§ 121.402(f) and 134.302(b); Federal Acquisition Regulation (FAR) 19.103(a)(2)(i).) Third, the appeal also may be untimely, as Appellant did not contend that its appeal was filed within 10 calendar days after issuance of Solicitation No. 140D0422Q0767. (*Id.* at 2.) Appellant did not respond to OHA's order to show cause.

Under OHA's rules of procedure, noncompliance with an OHA order may result in sanctions, to include dismissal of an appeal with prejudice. 13 C.F.R. § 134.219(b)(2); *NAICS*

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<sup>1</sup> This appeal is decided under the Small Business Act of 1958, 15 U.S.C. § 631 *et seq.*, and 13 C.F.R. parts 121 and 134.

*Appeal of Air Center Helicopters, Inc.*, SBA No. NAICS-6130 (2021). Here, Appellant did not respond to OHA's order to show cause, and as discussed above, the appeal appears deficient in multiple respects. Appellant has not attempted to demonstrate how these apparent defects have been overcome.

For the above reasons, Appellant's NAICS appeal is DISMISSED. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.316(d).

KENNETH M. HYDE  
Administrative Judge