

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

NAICS APPEAL OF:

Gemini Tech Services, LLC,

Appellant,

Solicitation No. W9124D23R0055

U.S. Department of Army

SBA No. NAICS-6237

Decided: August 15, 2023

APPEARANCES

Matthew T. Schoonover, Matthew P. Moriarty, John M. Mattox II, Ian P. Patterson, Timothy J. Laughlin, Schoonover & Moriarty LLC, Olathe, KS, for Gemini Tech Services LLC

Samuel M. Henderson, Contracting Officer, MICC Fort Knox. Fort Knox, KY, U.S. Department of Army

DECISION<sup>1</sup>

I. Introduction and Jurisdiction

On July 3, 2023, the Mission and Installation Contracting CMD, MICC Fort Knox, U.S. Department of Army, issued the subject Request for Proposals (RFP) for a contractor to provide “Military Personnel Division services support, Transition Center, Retirement Services Office support for Soldiers, Family Members, DoD Civilians, and Retirees assigned to or supported by Fort Knox.” (RFP, at 53.) The Contracting Officer (CO) set the procurement 100% aside for the SBA 8(a) business development program and designated North American Industry Classification System (NAICS) code 561110, Office Administrative Services, with a corresponding \$12.5 million annual receipts size standard, as the appropriate code for the procurement. (RFP, at 1.) On July 10, 2023, Gemini Tech Services, LLC (Appellant) filed the instant appeal, arguing that NAICS code 541612, Human Resources Consulting Services, with a corresponding \$29 million annual receipts size standard, was in fact the appropriate code. For the reasons discussed infra, the appeal is DENIED.

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<sup>1</sup> This decision was originally issued under a protective order. Pursuant to 13 C.F.R. § 134.205, OHA afforded counsel an opportunity to file a request for redactions if desired. OHA received no requests for redactions. Therefore, I now issue the entire decision for public release.

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 ten calendar days after issuance of the solicitation, so the appeal is timely. Federal Acquisition Regulation (FAR) 19.103(a)(1); 13 C.F.R. §§ 121.1103(b)(1), 134.304(b). Accordingly, this matter is properly before OHA for decision.

## II. Background

### A. The Performance Work Statement

The purpose of this RFP is for a contractor to provide Military Personnel Division services support at Fort Knox. (RFP, at 53.) The scope of the RFP is to “provide non-personal services necessary to perform military HR [Human Resources] required for MPD [Military Personnel Division], TC [Transition Center], RSO [Retirement Services Officer], and Non-PSDR S1 [Personnel Services Delivery Redesign] services for Soldiers. DEERS/RAPIDS [Defense Eligibility Enrollment System/Real-time Automated Defense Personnel Identification System] Services for military personnel, military Family Members, DoD Civilians, and Retirees assigned to or supported by Fort Knox.” (*Id.*) The Performance Work Statement includes specific tasks pertinent to this appeal as follows:

**5.2.1.1 Customer Reception Desk:** The Contractor shall establish a process for greeting and tracking and pre-screening all walk-in customers at Building 1384; as well as those with a scheduled appointment. Contractor is responsible for communicating delays in service to arriving customers and the anticipated impact to customer wait time. Contractor shall be knowledgeable of required forms and other necessary documentation required for issuance of a DOD identification.

[ . . . ]

**5.2.1.2 Provide Walk-In Service Hours:** The contractor shall provide walk-in customer service hours daily at Building 1384, Monday — Thursday walk in service hours will be from 0800-1030 hours and Friday 0830-1030 hours. Building 2020 will provide walk-in customer service Monday — Thursday from 0800-1530 and Friday from 0830-1530 hours. During this time customers shall be seen within 30 minutes of sign in at the front desk. The contractor shall provide limited walk-in service hours in Building 1384, Monday-Friday from 1030-1500 hours to support “emergency” requirements. (a) STD: All customers shall be seen within 30 minutes of sign in at the front desk. AQL: 95% of customers are seen within 30 minutes of sign in at the front desk.

**5.2.1.3 Provide Appointment Service Hours:** The contractor shall provide appointments in Building 1384, Monday — Thursday from 1030-1530 hours and Friday 1030-1530 hours. During this time customers shall be seen within 30 minutes of scheduled appointment time. (a) STD: All customers shall be seen

within 30 minutes of scheduled appointment time. AQL: 95% of customers are seen within 30 minutes of scheduled appointment time.

**5.2.1.4 Issue government ID cards:** The contractor shall perform all functions and related tasks required to issue government ID cards. The contractor shall review, research, and verify source documentation to ensure 100% eligibility of benefits prior to issuance of any government identification card. The contractor shall issue the CAC and Public Key Infrastructure certificates. The contractor shall generate and scan the DD Form 1172-2, Application for Identification Card/DEERS Enrollment.

**5.2.1.5 Prepare Agent Letter:** The contractor shall process Fort Knox Form 5200, Fort Knox Exchanges and Commissary Personal Agent Authorization, for eligible customers to receive services. The contractor shall verify eligibility upon request IAW current DoDI 1330.17, DoD Commissary Program, AFI 36-3026 Vol 1, and DoDI 1330.21, Armed Services Exchange Regulations and local policy. The contractor shall suspend an individual's commissary or exchange privileges, as necessary.

**5.2.1.6 Perform routine maintenance:**

The contractor shall perform routine operator level maintenance on RAPIDS workstations and printers (e.g., change lamination and add toner, clean printers, etc.) IAW applicable instructions, standards, and best practices stated in the VOIS standards. The government will provide access to the VIOS site. In addition, the contractor shall report maintenance issues higher than operator level to the DMDC help desk within two hours of detection. (a) STD: The contractor shall report maintenance issues higher than operator level to the DMDC help desk within two hours of detection. AQL: 100% of all maintenance issues higher than operator level to the DMDC help desk within two hours of detection.

[ . . . ]

**5.2.2.1 Validator/Validator Admin:** The Contractor shall at a minimum have one HR Pro (Validator) and one HR Pro (Validator Admin). The Contractor shall complete all mandatory and Instructional Facilitated Training (IFT) in accordance with Army Directives and IPPS-A User Manual before they are given access as either a Validator or Validator Admin. This is a trusted position both Validator and Validator Admin shall be thoroughly vetted. Validator/Validator Admin shall authorize users to view, create/submit, approve, and disapprove Access Request forms. During the approval process, validators can change a Member's actionable population and add/remove roles. They are essential for all IPPS-A activities during Brown-Out, Cutover and Go-Live; they shall ensure Cutover Team members have correct access levels. They shall do the same for all requests for elevated users. The Contractor shall approve elevated accesses, will set ROWSEC Class for MPD and Non-PSDR HR Professionals within 3 duty days of request.

[ . . . ]

**5.2.3 Provide Casualty Operations and Management Support Services (CMS):**

The contractor shall provide CMS IAW AR 638-8, Army Casualty Program and DA PAM 638-8, Procedures for the Army Casualty Program for the Fort Knox Area of Responsibility. Technical Exhibit F, Fort Knox Casualty Assistance Center Area of Responsibility, identifies the states and counties the contractor provides CMS for in this contract. The CMS support is required 24 hours per day, seven days per week. The contractor may be co-located with government CMS personnel. The government CAC Chief and CAC Operations Officer are overall responsible for day-to-day CAC operations and will provide technical guidance and instruction. The contractor shall adhere to established procedures to seek further guidance when faced with issues requiring immediate attention. The contractor shall perform services IAW Technical Exhibit A, Performance Requirements Summary. The CAC Chief will coordinate with the COR and follow-up in writing if contractor performance issues or concerns arise. The COR will communicate the CAC Chief's issues and concerns to the PM to seek resolution.

**5.2.3.1 Provide CMS On-Call Support:** The contractor shall provide CMS dedicated on-call support as required to perform AD casualty case management services, to include VSI and SI processing actions. The PM shall maintain an on-call duty roster and provide to the CAC Chief NLT five duty days prior to the start date of duty. The contractor designated to perform on-call responsibilities shall carry the government issued cellular telephone after normal duty hours. The contractor shall receive calls from CAC or unit staff, local law enforcement officials, family members or other designated DA personnel and shall provide CMS either telephonically or at the required place of duty as required for casualty and related incidents.

[ . . . ]

**5.2.3.3 Coordinate with Casualty Notification Officer (CNO):** The contractor shall contact the unit within 30 minutes of receipt of the AD casualty's DD Form 93 and SOES Certificate of Coverage to request selection of the CNO. The contractor shall notify the religious services office of the chaplain requirement thereafter. The contractor shall monitor and confirm telephonically with the unit and CNO that notification is complete within four hours. The contractor shall contact CMAOD immediately to report notification completion.

**5.2.3.4 Validate CNO Training and Certification:** The contractor shall validate the selected CNO is trained and certified to perform the duty prior to accepting appointment of the CNO by the unit. The contractor shall verify within the CAC training database to determine the status of the CNO's training and shall only accept the selection if the date of training is current IAW AR 638-8. The contractor shall receive a copy of a certificate of completion from the unit if the CNO is not listed

in the database. The contractor shall save a copy of the completion form in DCIPS if accepting the form in lieu of confirming the name in the database. The contractor shall follow-up with the CAC trainer NLT the following business day to notify him/her of the discrepancy on the database.

[. . .]

**5.2.3.7 Coordinate with Casualty Assistance Officer (CAO):** The contractor shall coordinate with the unit assigned CAO within 30 minutes of receipt of the AD casualty's DD Form 93 and SOES Certificate of Coverage, if necessary, to provide services to the primary NOK, person authorized to direct disposition (PADD), or another eligible beneficiary. The contractor shall conduct a briefing and stay in contact with the CAO in order to monitor the case at a minimum every two weeks. The contractor shall update DCIPS to ensure case information is current and complete to include bookmark all CAC personnel The contractor shall email at a minimum DD Form 93, SOES Certificate with a narrative of situation and circumstances to all CAC personnel.

[. . .]

**5.2.4.5 Coordinate for [Military Funeral Honors] MFH detail:** The contractor shall contact the designated unit via e-mail to request an MFH detail. The contractor shall develop and utilize verbiage/templates approved by the CAC Chief to ensure accurate and consistent information is provided to facilitate complete and timely information is received in return. The contractor shall notify the unit to provide a confirmation via e-mail with the designated period. The contractor shall track all responses, and if a confirmation is not received in time, shall contact the next unit on list and respond IAW CAC Chief or Operations Officer guidance. The contractor shall make all necessary calls and notifications to ensure the MFH are confirmed with the unit in writing NLT 48 hours prior to the scheduled funeral date. The contractor shall brief the status to the Operations Officer and CAC Chief upon request and at designated meetings.

[. . .]

**5.2.5.1 Conduct Assignment Briefings, Interviews, and Orientations:** The Contractor is responsible for managing and conducting the reassignment briefing. The Contractor shall schedule a reassignment briefing weekly of receipt of assignment notification from IPPS-A. The contractor shall utilize the current version of the ArmyWide Standardized Reassignment Briefing slides provided by Headquarters IMCOM, when conducting the weekly reassignment (Levy) briefing. The Contractor shall notify the S1 (HR Pro) of receipt of the Soldier's assignment instructions and notify them of the next scheduled weekly reassignment briefing that the Soldier shall attend. The Contractor shall notify S1 (HR Pro) via email of those Soldiers who did not attend their scheduled reassignment briefing NLT three business days after scheduled briefing. The Contractor shall notify the organization

CSM, Project Manager and COR via email of those Soldiers who failed to attend two scheduled reassignment briefings. The Contractor shall conduct a reassignment interview with each Soldier within 30 days of attending reassignment/levy briefing.

[...]

**5.2.9.1 Process Control Station for In-Processing Soldiers:** The Contractor shall upon in-processing all Members, verify last record update with the member via iPERMS. If the Member is out of their annual tolerance the Contractor /MPD (HR Pro) shall immediately initiate Personnel Record Review (PRR) or schedule the Member to return within three business days with all supporting documentation.

[...]

**5.2.10.5 Screen personnel documents:** The contractor shall screen each record for accurate information and update the applicable HR systems as required. The contractor shall review documents and make updates as required for non-PSDR units. All record corrections must be completed within 1 duty day of receipt of supporting documents. For PSDR units the contractor shall identify, and document personnel related discrepancies and notify the individual to see the unit's S1 to make corrections. The responsible PSDR unit S1 will make corrections or seek further guidance from the contractor on what is required. The contractor shall document issues that cannot be resolved on the coversheet and instruct the Soldier to notify the support unit or DHR P&O for further guidance.

[...]

**5.2.10.6 Verify Readiness Status:** The contractor shall verify the personnel readiness status of each Soldier utilizing DA Form 7425. The contractor shall accurately update MARRS-N as the Soldier is processing and ensure all applicable screens and checklist line items are validated prior to the Soldier processing through the SRP final review station. The contractor shall enter remarks for all "Not Ready" entries. The contractor shall ensure remarks are accurate, complete, and reflect the status of the processing individual.

[...]

**5.2.10.7 Provide DEERS/RAPIDS Services:** The contractor shall provide certified verification officials to provide replacement CAC services and DEERS updates during SRP. The contractor shall issue Geneva Convention Cards, DD Form 1934, Geneva Conventions Identity Card for Medical and Religious Personnel Who Serve in or Accompany the Armed Forces, to eligible personnel as required within 45 minutes of arrival. The contractor shall ensure a SSM is on site.

[...]

**5.2.14.4 Conduct and coordinate pre-transition briefings:** The contractor shall brief pre-separation and pre-retirement briefings IAW regulatory and local policy guidance and coordinate with installation agencies to incorporate all regulatory briefing requirements. Information to present includes but is not limited to: Transition Assistance Program, entitlements and benefits, processing procedures, and survivor benefit plans. The contractor shall conduct an adequate number of online, classroom, and individual desktide briefings as necessary to meet regulatory requirements and published timeliness standards for transition processing. The contractor shall make provisions to assist medically retiring Soldiers who may be severely wounded/injured that neither the Soldier nor their Family members are able to be physically present to attend pre-retirement/SBP briefings. Briefing content shall be IAW AR 600-8-7 and IMCOM and Army published guidance.

The contractor must also generate casualty reports, coordinate death gratuity payments, notify next of kin, process settlement vouchers, generate condolence letters and process line of duty investigations, (PWS, §§ 5.2.11-19, 5.2.4.)

(*Id.*, at 80-156.)

#### B. The Appeal

On July 10, 2023, Appellant filed the instant appeal and asserts the CO selected a NAICS appeal that “poorly describes the specific services” for the RFP. (*Appeal*, at 4.) Appellant maintains NAICS code 541612, Human Resources Consulting Services, best describes the RFP because it calls for HR services. (*Id.*) The RFP calls for the contractor to provide a myriad of personnel services for soldiers, their families, retirees and civilians associated with Fort Knox. Appellant contends that NAICS code 541612 references HR consulting, “which describes the essence of most of the tasks and subtasks associated with the PWS.” (*Id.*, at 5.) This code covers businesses engaged in providing advice and assistance to businesses and other organizations in the areas of human resources, personnel policies, practices, and procedures, employee benefits planning, communication and administration, compensation systems planning, and wage and salary administration, the type of work being solicited here. (*Id.*) Appellant points to a recent procurement under this code, which sought to obtain expert resources, personnel, technical reports, products and solutions that address subject matter expertise in the development and implementation of new HR IT systems, simulations strategies, training support and doctrine. (*Id.*, at 6.)

Conversely, the selected NAICS code 561110 is primarily used for day-to-day office work and does not reference HR services, or any services required by the RFP. (*Id.*) Common examples of businesses covered by this code include business management services, hotel management services, managing offices of dentists, physicians and surgeons. (*Id.*)

Appellant further asserts that the Army has selected NAICS code 541612 for similar solicitations and maintains that NAICS code 561110 will limit the solicitation to businesses that “may not have the resources to satisfactorily comply with the Solicitation's important requirements.” (*Id.*, at 5-6.)

### C. CO's Response

On July 24, 2023, the CO filed a response to the appeal and asserts that NAICS code 541612 “misrepresents the nature of the services required.” (CO Response, at 1.) The CO maintains that NAICS code 561110 is the proper code. The CO asserts the RFP does not require “advice or assistance” on “human resources policies practices, procedures” as described in NAICS subsector 5416 and NAICS code 541612. (*Id.* at 2, citing *NAICS Manual*<sup>2</sup> at 466.) The RFP seeks Military Personnel Division support services for personnel assigned to or supported by Fort Knox. The CO contends the Government does not require any “advice and assistance” on Human Resources policies practices and procedures because these are already established by statute and regulations. (*Id.*, at 3-4.) The contractor is obligated to provide personnel services in accordance with these established policies. (*Id.*) The tasks to be performed require the contractor to “generate,” “modify,” “complete” or “issue” forms or documents, “perform operator level maintenance on computers and printers,” input and update data in various systems and databases, process actions, review soldier files and records. (*Id.*) Each task supports an individual, and each task is defined with specific Government guidance, policy or regulation.

The CO further contends the PWS does not require that the contractor provide the Government advice on personnel policies, but only that it execute them. (*Id.*) The CO notes that the Government “requires daily administrative processing on already implemented systems supporting daily personnel operations.” (*Id.*, at 3.) The CO gave the example of one task required, the issuing of identification cards. (*Id.*) This is a routine daily personnel administrative task. There is no requirement for the contractor to advise the Government on what should be included in the card, this is already established by set Government procedures. (*Id.*)

The CO noted the recent procurement under NAICS code 541612 which Appellant refers to as an example of a similar procurement. (*Id.*, at 4.) The CO disputes that the procurement is similar, because there is no need for the development and implementation of new HR IT systems here, only daily administrative processing on already implemented systems supporting daily personnel operations. (*Id.*)

Conversely, the CO noted that NAICS code 561110 covers establishments which provide day-to-day administrative services. (*Id.*) Those are the type of services required by this RFP. (*Id.*)

The CO rejects Appellant's argument regarding the different size standard for NAICS code 561110 and 541612 and asserts that it is the CO's responsibility under SBA regulations and the FAR to “evaluate the business's capability and make an affirmative determination of responsibility.” (*Id.*)

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<sup>2</sup> Executive Office of the President, Office of Management and Budget, North American Industry Classification System-United States (2022), available at <http://www.census.gov/naics>. SBA has adopted this version of the NAICS Manual effective October 1, 2022. 87 Fed. Reg. 59240 (Sept. 29, 2022).

#### D. Appellant's Reply to the CO's Response

On July 26, 2023, Appellant filed a motion for leave to reply and submitted its proposed Reply. Appellant requests an opportunity to reply to the CO's response and confirms the CO did not oppose to this motion, "conditioned upon the [CO's] ability to respond to any new issues raised in Appellant's reply." (Motion, at 1.) An OHA Judge may permit a reply to a response, and no reply is permitted unless the OHA Judge directs otherwise. 13 C.F.R. §§ 134.309(d) & 134.206(e). Accordingly, for good cause shown, Appellant's Motion for Leave to Reply is GRANTED.

In its Reply, Appellant reiterates that the primary purpose of the RFP is HR services and maintains that NAICS code 541612 is the best code for the RFP because it describes HR services. (Reply, at. 1.) Appellant rejects NAICS code 561110 and asserts this code fails to mention HR services. (*Id.*, at 2.) Appellant further rejects the CO's argument that the RFP does not require advice or consulting. Appellant argues the PWS is rife with calls for the contractor to consult, just with soldiers and their families, not with the Army itself. (*Id.*, at 3.) As an example, Appellant points to Retirement Consulting, at § 5.2.15 of the PWS, which requires retirement consulting to assist the soldiers. (*Id.*) Appellant points to numerous other tasks which require the contractor to advise soldiers on personnel matters. (*Id.*) Appellant asserts the term "advise" appears 25 times in the PWS, while the term "counseling" appears 38 times. (*Id.*, at. 4.) Appellant points out that many of the positions required by the PWS have a requirement for significant HR experience. (*Id.*) Appellant further notes that more than half of the positions required by the RFP are "HR focused or [have] HR components." (*Id.*, at. 5.) Appellant takes issue with the CO's reliance on the issuing of ID cards as a support for the Administrative Services designation. Appellant argues that issuing an ID card requires significant HR services and training. (*Id.*)

#### E. The NAICS Codes

The NAICS code designated by the CO, is part of Subsector 561, Administrative and Support Services, which covers:

Industries in the Administrative and Support Services subsector group establishments engaged in activities that support the day-to-day operations of other organizations. The processes employed in this sector (e.g., general management, personnel administration, clerical activities, cleaning activities) are often integral parts of the activities of establishments found in all sectors of the economy. The establishments classified in this subsector have specialization in one or more of these activities and can, therefore, provide services to clients in a variety of industries and, in some cases, to households. The individual industries of this subsector are defined on the basis of the particular process that they are engaged in and the particular services they provide.

Many of the activities in this subsector are ongoing routine support functions that businesses and organizations perform in-house. However, it is

common to contract or purchase services from businesses that specialize in such activities and can, therefore, provide the services more efficiently.

*NAICS Manual*, at 485.

The NAICS code designated by the CO, 561110, Office Administrative Services, covers:

This industry comprises establishments primarily engaged in providing a range of day-to-day office administrative services, such as financial planning; billing and recordkeeping; personnel; and physical distribution and logistics, for others on a contract or fee basis. These establishments do not provide operating staff to carry out the complete operations of a business.

*NAICS Manual*, at 485-86.

The NAICS code advocated by the Appellant is part of Subsector 54161, Management Consulting Services, which covers:

This industry comprises establishments primarily engaged in providing advice and assistance to businesses and other organizations on management issues, such as strategic and organizational planning; financial planning and budgeting; marketing objectives and policies; human resource policies, practices, and planning; production scheduling; and control planning.

*NAICS Manual*, at 466.

The NAICS code advocated by the Appellant, 541612, Human Resources Consulting Services, covers:

This U.S. industry comprises establishments primarily engaged in providing advice and assistance to businesses and other organizations in one or more of the following areas: (1) human resource and personnel policies, practices, and procedures; (2) employee benefits planning, communication, and administration; (3) compensation systems planning; and (4) wage and salary administration.

Illustrative Examples:

Benefit or compensation consulting services  
Employee assessment consulting services  
Personnel management consulting services  
Human resources consulting services

*NAICS Manual*, at 467-68.

### 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 14 (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. FAR 19.303(a)(2); 13 C.F.R. § 121.402(b). A procurement is usually classified according to the component that accounts for the greatest percentage of contract value. (*Id.*) OHA will not reverse a NAICS code designation “merely because OHA would have selected a different code.” *NAICS Appeal of Eagle Home Med. Corp.*, SBA No. NAICS-5099, at 3 (2009).

#### B. Analysis

After reviewing the RFP and the arguments presented, I conclude the CO's designation of NAICS code 561110 is correct.

This procurement seeks a contractor to perform a wide variety of personnel services for the personnel assigned to Fort Knox. Section II.A, *supra*. The contractor must also perform maintenance on computers and printers assigned to it to aid in the performance of these tasks. *Id.* However, the PWS does not call for the contractor to provide advice to the Army on human resource and personnel policies. *Id.* Rather, the contractor here will be implementing policies and procedures that have already been established by statute or regulation. *Id.* The PWS further does not call for the contractor to engage in planning employee benefits, compensation systems, or the administration of wages and salaries. *Id.* The contractor here will be responsible for performing a number of personnel services, it will not be advising the Army on how those services should be administered. *Id.*

Appellant argues that the PWS calls for the contractor to provide advice on a number of personnel issues to the individuals it will be assisting. Sections II.B & II.D, *supra*. However, NAICS code 541612 applies to firms which give advice to businesses on Human Resource issues, not to the individuals who are the subject of the Human Resources programs. Section II.E, *supra*. The procurement to which Appellant refers as an example of a 541612 designation is not apposite here, because that procurement dealt with the development and implementation of new HR IT systems and simulations strategies, and this procurement is not for the development of new systems, but for the carrying out of tasks within an existing system. Section II.A, *supra*.

OHA has held that NAICS code 541612 is not applicable to a procurement which is not seeking advice in overall human resources and personnel policies, but rather seeks performance of the human services themselves:

Based on the NAICS Manual description, NAICS code 541612 describes establishments providing advice or assistance to organizations regarding human resources policies, practices, and procedures, not ones performing human resources services themselves. *See* Section II.D, *supra*. Each of the illustrative examples assigned to NAICS code 541612 describe “consulting services” rather than establishments performing the actual services consulted upon. *See Id.* In fact, the description of NAICS code 541612 specifically cross-references NAICS codes covering establishments engaged in related services, specifically “professional and management development training,” “executive search, recruitment, and placement services,” and “[l]isting employment vacancies and in selecting, referring, and placing applicants in employment.” *See id.* Given the principal purpose of the instant procurement is the human resources services and not consulting upon them, it is clear NAICS code 541612 does not best describe the instant procurement.

*NAICS Appeal of Caduceus Healthcare, Inc.*, SBA No. NAICS-5847, at 10 (2017).

I thus conclude that because this procurement calls for the actual performance of a range of personnel services, rather than consultation and advice on personnel matters, that Appellant's argument that NAICS code 541612 is the appropriate code is in error.

By contrast, NAICS code 561110 has been found to be the appropriate designation for procurements which call for the performance of a wide range of administrative services. *NAICS Appeal of Laredo Technical Services, Inc.*, SBA No. NAICS-6173 (2022); *NAICS Appeal of Eagle Design and Management*, SBA No. NAICS-4521 (2002). That is the case here, as this contractor will have to perform an array of administrative services, doing intake of individual seeking personnel services, issuing ID cards (a service, which as the CO noted, is a purely administrative one, involving merely the application of existing rules, not consultation on new policies), perform computer and printer maintenance, generate casualty reports, coordinate death gratuity payments, notify next of kin, process settlement vouchers, generate condolence letters process line of duty investigations, and arrange for Military Funeral Honors. Section II.A, *supra*. NAICS code 561110 is the appropriate code for a procurement with such a wide range of administrative functions.

#### IV. Conclusion

For the above reasons, the appeal is DENIED and the CO's designation of NAICS code 561110, is AFFIRMED.

This is the final decision of the Small Business Administration. See 13 C.F.R. § 134.316(d).

CHRISTOPHER HOLLEMAN

NAICS-6237

Administrative Judge