

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE D0-C9	PAGE OF PAGES 1 1
---	--	--	------------------------------	------------------------

2. AMENDMENT/MODIFICATION NO. 00001	3. EFFECTIVE DATE 05/31/2012	4. REQUISITION/PURCHASE REQ. NO. NND12374119R	5. PROJECT NO. (If applicable)
6. ISSUED BY NASA / Dryden Flight Research Center P.O. Box 273 M/S 1422 Edwards, CA, 93523-0273	CODE DFRC	7. ADMINISTERED BY (If other than Item 6)	CODE

8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code) ALL PROSPECTIVE OFFERORS	<input checked="" type="checkbox"/> 9A. AMENDMENT OF SOLICITATION NO. NND12374119R
	<input checked="" type="checkbox"/> 9B. DATED (SEE ITEM 11) 05/15/2012
	<input type="checkbox"/> 10A. MODIFICATION OF CONTRACT/ORDER NO.
	<input type="checkbox"/> 10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
 (a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment your desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

**13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

CHECK ONE <input type="checkbox"/>	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not, is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this amendment: An appeal has been filed with the United States Small Business Administration Office of Hearings and Appeals regarding the North American Industry Classification System (NAICS) code designated for this solicitation. A copy of the Notice and Order for Docket No. NAICS-2012-05-24-62 is attached to this amendment. Pursuant to 13 C.F.R. 121.1103(c)(1), this solicitation is stayed pending resolution of the appeal.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Robert Medina, Contracting Officer	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA (Signature of Contracting Officer)	16C. DATE SIGNED

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

NAICS APPEAL OF:

Delphi Research, Inc.

Appellant

Solicitation No. NND12374119R
NASA/Dryden Flight Research Center
Edwards, California

Issued: May 29, 2012

Docket No. NAICS-2012-05-24-62

NOTICE AND ORDER

The Office of Hearings and Appeals (OHA) hereby notifies all currently known parties, all prospective offerors, and other persons that an appeal of the North American Industry Classification System (NAICS) code designated in the above-captioned solicitation was filed on May 24, 2012. OHA conducts NAICS code appeals under the authority of 13 C.F.R. Parts 121 and 134, and Federal Acquisition Regulation (FAR) 19.303

I. Instructions to the Contracting Officer

The Contracting Officer responsible for this solicitation MUST:

- A. Stay the solicitation. 13 C.F.R. § 121.1103(c)(1)
- B. Amend the solicitation within three business days to notify potentially interested parties of the pendency of this appeal. Attach a copy of this Notice and Order to the amendment. *See Advanced Systems Technology, Inc v. United States*, 69 Fed Cl 474 (2006) Send a copy of the amendment to OHA with the "Fax-Back Memorandum."
- C. Send to OHA a link to where the original solicitation and all amendments are posted on the Internet, as required by 13 C.F.R. § 134.306(b) and FAR § 19.303(c)(4). If the solicitation is not posted online, send a paper copy to OHA.
- D. Complete and return the "Fax-Back Memorandum" as soon as possible.
- E. Notify OHA of any additional amendments to the solicitation, any contract award, or any other litigation affecting this procurement, while this appeal is pending.

The Contracting Officer may also file and serve a substantive response to the appeal by the close of record.

II. Responses to the Appeal and Close of Record

Any response to this appeal must be filed with OHA and served upon all parties or their attorneys (if represented), and be **RECEIVED by OHA no later than June 8, 2011**. Except for good cause shown, the record will close on that date.

The rules of practice are at 13 C.F.R. §§ 134.101-318. OHA's website has the rules, a sample Certificate of Service, case law, and other material: <http://www.sba.gov/oha>. Older cases are at: http://archive.sba.gov/aboutsba/sbaprograms/oha/OHADecisions/OHA_DECISIONS.html

III. Filing and Service Instructions

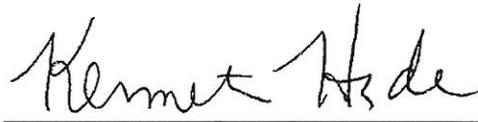
A party filing any pleading or other submission must include a Certificate of Service stating how and when the party accomplished service. 13 C.F.R. §§ 134.305(c), 134.204(d). The attached Certificate of Service lists all currently known parties (or their attorneys) and their email addresses or facsimile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

Filing is the **RECEIPT** by OHA of the pleading or other submission. A filing received by OHA after 5 p.m. eastern time is considered filed on the next day. 13 C.F.R. § 134.204(b)(2). Service means providing a copy of the submission to other parties (or their attorneys). 13 C.F.R. § 134.204(c). OHA recommends filing and service by email or fax. File any submissions to:

Office of Hearings and Appeals
U.S. Small Business Administration
409 Third Street, S.W.
Washington, DC 20416
ATTENTION: Sharon Taylor
(Voice) 202-401-8200 (Fax) 202-205-7059 Email: ohafilings@sba.gov

Parties should also check their record addresses on the attached Certificate of Service. Unless otherwise instructed, that address is where all further papers (including the decision) in this appeal will be served.

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

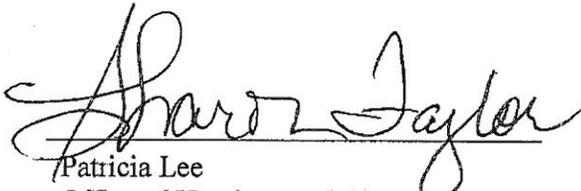
CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2012, I served the foregoing by email upon the following:

Daniel J. Perez, Contracts Specialist
Robert E. Gustafson, Senior Vice President
Delphi Research, Inc.
3954 Murphy Canyon Rd # D201
San Diego, CA 92123
Email: dan.perez@delphiresearch.com
Email: bob.gustafson@delphiresearch.com

Robert Medina, Contracting Officer
NASA/Dryden Flight Research Center
P.O. Box 273
Edwards, CA 93523-0273
Email: robert.medina@nasa.gov

John W Klein, Esq
U.S. Small Business Administration
409 Third Street SW, Fifth Floor
Washington, DC 20416
Email: oplservice@sba.gov


Patricia Lee
Office of Hearings and Appeals