

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

NAICS APPEAL OF:

Information Ventures, Inc.

Appellant

Solicitation No. NHLBI-RR-08-15
National Heart, Lung and Blood Institute
National Institute of Health
Bethesda, Maryland

SBA No. NAICS-4871

Decided: November 2, 2007

ORDER DISMISSING APPEAL

HOLLEMAN, Administrative Judge:

On October 18, 2007, Information Ventures, Inc. (Appellant) filed the instant appeal of the National Heart, Lung and Blood Institute's Solicitation No. NHLBI-RR-08-15 (solicitation). Appellant asserts that the solicitation, currently classified under North American Industry Classification System (NAICS) code 541712,^{*} Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology), with a corresponding 500 employee size standard, is more appropriately classified under NAICS code 541690, Other Scientific and Technical Consulting Services, with a corresponding \$6.5 million annual receipts size standard.

On October 26, 2007, the National Heart, Lung and Blood Institute's Contracting Officer filed and served notice that the solicitation was cancelled on October 25, 2007.

Since the solicitation has been cancelled, there is no need for a review and decision on the selection of a NAICS code. Thus, the case will be dismissed. *See NAICS Appeal of Information Ventures, Inc.*, SBA No. NAICS-4725 (2005).

This dismissal is without prejudice. Appellant may file a NAICS code appeal if the National Heart, Lung and Blood Institute reissues the solicitation for the same procurement, as long as the appeal is filed with the Office of Hearings and Appeals within ten days of the issuance of the solicitation. 13 C.F.R. § 134.304(a)(3).

^{*} The National Heart, Lung and Blood Institute's solicitation correctly identifies a new NAICS industry, effective October 1, 2007. 72 Fed. Reg. 49,639 (Aug. 29, 2007).

For the above reasons, I DISMISS the instant appeal.

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

CHRISTOPHER HOLLEMAN
Administrative Judge