

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES 1 4
2. AMENDMENT/MODIFICATION NO. 0003	3. EFFECTIVE DATE 12/07/2010	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)	
6. ISSUED BY DLA Troop Support Directorate of Subsistence 700 Robbins Avenue Philadelphia, Pa. 19111	CODE SPM300	7. ADMINISTERED BY (If other than Item 6) Same as Block 6 Point of Contact: Mike Agovino Phone: 215-737-2708 Email: michael.agovin@dla.mil	CODE SPM300	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)			(X) 9A. AMENDMENT OF SOLICITATION NO. SPM300-11-R-0009	9B. DATED (SEE ITEM 11) 11/22/2010
				10A. MODIFICATION OF CONTRACT/ORDER NO.
				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	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"/>	
<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.

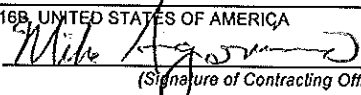
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

1. The DLA Troop Support hereby notifies all parties (defined in 13 C.F.R. # 134.101) and other persons (defined in C.F.R # 134.205 (c)) of the December 2, 2010, filing of a North American Industry Classification System (NAICS) code appeal from the above captioned solicitation.

2. This amendment to the solicitation cited above notifies potentially interested parties of the pendency of this appeal, including attaching a copy of this Notice and Order issued on December 03, 2010, Docket No. NAICS-2010-12-02-77.

3. Amended Notice and Order is attached.

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) Mike Agovino
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED
	16B. UNITED STATES OF AMERICA  (Signature of Contracting Officer)
	16C. DATE SIGNED 12/07/2010

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

NAICS APPEAL OF:

Hardie's Fruit & Vegetable Co.

Appellant

Solicitation No. SPM300-11-R-0009
Defense Supply Center Philadelphia
Philadelphia, PA

Issued: December 3, 2010

Docket No. NAICS-2010-12-02-77

AMENDED NOTICE AND ORDER

The Office of Hearings and Appeals (OHA) hereby notifies all parties (defined in 13 C.F.R. § 134.101) and other persons (defined in 13 C.F.R. § 134.205(c)) of the December 2, 2010, filing of a North American Industry Classification System (NAICS) code appeal from the above-captioned solicitation.

I. Instructions to the Contracting Officer

The Contracting Officer who designated the NAICS code in this solicitation MUST:

- A. Issue within three business days an amendment to the solicitation that notifies potentially interested parties of the pendency of this appeal, including attaching a copy of this Notice and Order. *See Advanced Systems Technology, Inc. v. United States*, 69 Fed.Cl. 474 (2006). After providing the required notice, attach a copy of the amendment to the "Fax-Back Memorandum."
- B. Submit either a paper copy of, or a publicly-accessible internet link to, the original solicitation and all amendments to OHA only, as required by 13 C.F.R. § 134.306(b) and FAR § 19.303(c)(4).
- C. Complete and return the "Fax-Back Memorandum" as soon as possible.
- D. Submit to OHA any additional amendments made while this appeal is pending.
- E. File and serve written notice of any contract award (including date awarded and name of awardee), cancellation, stop-work order, or other litigation affecting the procurement.

The Contracting Officer may also respond to the appeal by the close of record.

Docket No. NAICS-2010-12-02-77

II. Responses to the Appeal and Close of Record

Any response to this appeal must be served on all parties to the proceeding or on their attorneys and be **RECEIVED** by OHA no later than **December 10, 2010**. Except for good cause shown, the record will close on that date.

OHA's rules of practice are at 13 C.F.R. §§ 134.101-317. More information on NAICS code appeals is available at: www.sba.gov/oha.

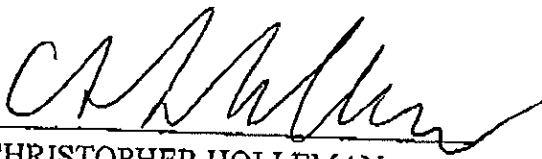
III. Filing and Service Instructions

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(d), 134.204(d). The attached Certificate of Service lists all currently known parties (or their representatives), record addresses, and email addresses or facsimile numbers.

The filing and service requirements for all pleadings and other submissions are at 13 C.F.R. §§ 134.204, 134.305(c), and 134.307. Filing means the **RECEIPT** by OHA of the pleading or other submission. Any filing received by OHA after 5 p.m. eastern time is considered filed on the next day. 13 C.F.R. § 134.204(b). Service means providing a copy of the pleading or other submission to any attorneys or authorized representatives of parties, and to unrepresented parties, at their record addresses. 13 C.F.R. § 134.204(c). All filings must contain the docket number and must be emailed or faxed (recommended methods), personally delivered, commercially delivered, or mailed to:

Office of Hearings and Appeals
U.S. Small Business Administration
409 Third Street, S.W.
Washington, DC 20416
ATTENTION: Patricia Lee, Assistant Size Specialist
(Fax) 202-205-7059 (Voice) 202-401-8200 email: ohafilings@sba.gov

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.


CHRISTOPHER HOLLEMAN
Administrative Judge

CERTIFICATE OF SERVICE

I hereby certify that, on December 3,, 2010, I served the foregoing by Facsimile transmission upon the following:

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