

# CLIENT ALERT

## Decision Signals Increased SBA Scrutiny of Size Status

April 16, 2007

In *Size Appeal of Ross Aviation, Inc.*, SBA No. SIZ-4840, March 07, 2007, the SBA's Office of Hearings and Appeals ("OHA") reversed its earlier decision in *Size Appeal of Spectrum Landscape Services, Inc.*, SBA No. SIZ-4313 (1998), and expanded the scope of its review. Basing its reversal of position on the objective of promoting the integrity of the procurement process, OHA held that "[a]part from contract-specific issues (*e.g.*, ostensible subcontractor and non-manufacturer rule), OHA will no longer dismiss automatically an unsuccessful offeror's appeal as moot after contract award . . . simply because of a contracting officer's representation that he/she intends not to disturb award of the contract (including their intent to award options)." For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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