

CLIENT ALERT

NAICS Challengers at Court Must First Exhaust Administrative Remedies

April 27, 2015

On April 22, 2015, the Federal Circuit ruled in *Palladian Partners, Inc. v. U.S.* that, although the Court of Federal Claims has jurisdiction to review challenges to NAICS code decisions made by the SBA's Office of Hearing and Appeals (OHA), in order for an offeror to challenge such a decision at the court, the offeror had to have participated in the appeal at OHA brought by a different offeror. Here, because the offeror failed to do so, the offeror had not exhausted its administrative remedies, and the case was remanded to be dismissed.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Amy Laderberg O'Sullivan

Partner – Washington, D.C.

Phone: +1.202.624.2563

Email: aosullivan@crowell.com

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1.202.624.2579

Email: jmccarthy@crowell.com

Olivia Lynch

Partner – Washington, D.C.

Phone: +1.202.624.2654

Email: olynch@crowell.com