

DISTRICT OF COLUMBIA GOVERNMENT
CONTRACT APPEALS BOARD

PROTEST OF:

COMMUNITY HEALTH MINISTRY)	
dba Community Medical Care Health Center)	
)	CAB No. P-0665
Under Request for Applications No. 1031-02)	

For the Protester: Urla Barrow, Executive Director, Community Medical Care Health Center. For the District Government: Howard Schwartz, Esq., and Warren J. Nash, Esq., Assistants Corporation Counsel.

Opinion by Administrative Judge Matthew S. Watson, with Chief Administrative Judge Jonathan D. Zischkau, concurring.

OPINION and ORDER
(Courtlink Filing ID: 1569284)

Protester raised substantial issues as to the fairness of handling its two applications for funding under the Ryan White Title I Regional Grant Request for Proposals. The District, without responding on the merits, moved to dismiss the protest on the ground that the Board lacks jurisdiction to consider protests concerning grant awards. The Board agrees with the District and dismisses the protest.

Protester's applications were submitted pursuant to a Request for Applications ("RFA") for subgrants of Federal grant funds administered by the District of Columbia. Had the protester's applications been successful, they would have resulted in grant awards (RFA 3) and not contracts. The Board's jurisdiction is established and limited by the coverage of the Procurement Practices Act, D.C. Code § 2.309.03 (2001 ed.). That Act specifically excludes from its coverage, and therefore from the Board's jurisdiction, any "contract or agreement receiving or making grants-in-aid or for federal financial assistance." *Id.* § 2-301.04(c). Since this matter relates to award of a grant, the Board is without jurisdiction. *District of Columbia Local Development Corporation*, CAB No. P-0421, Nov. 14, 1994, 42 D.C. Reg. 4885, *holding affirmed*, but vacated on other grounds, Jan. 31, 1995, 42 D.C. Reg. 4914.

The protest is DISMISSED for lack of jurisdiction.

SO ORDERED.

March 25, 2003

/s/ Matthew S. Watson
MATTHEW S. WATSON
Administrative Judge

CONCURRING:

/s/ Jonathan D. Zischkau
JONATHAN D. ZISCHKAU
Chief Administrative Judge