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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD**

717 14th STREET, N.W., Suite 430
Washington, D.C. 20005

September 10, 1998

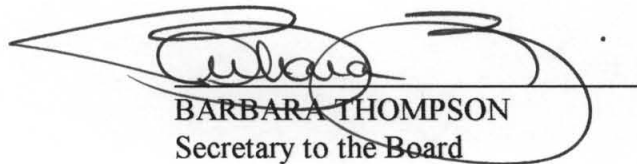
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TO: Warren J. Nash, Esquire
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Bryan Chaisone, Project Manager
HR General Maintenance Corporation
2021 Shannon Place, S.E.
Washington, D.C. 20020

SUBJECT: CAB No. P-546, HR General Maintenance Corporation

Attached is a copy of the Board's Opinion dismissing protest with prejudice.


BARBARA THOMPSON
Secretary to the Board

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

HR GENERAL MAINTENANCE CORPORATION)	
)	CAB No. P-546
Under IFB No. 98-0109-AA-2-0-CC)	

For the Protester: Mr. Bryan Chaisone, Project Manager. For the Government: Howard S. Schwartz and Warren J. Nash, Assistants Corporation Counsel.

Opinion by Administrative Judge Claudia Booker, with Chief Administrative Judge Lorilyn E. Simkins and Administrative Judge Phyllis W. Jackson concurring.

OPINION

Bryan Chaisone, Project Manager for HR General Maintenance Corporation ("HR" or "Protester"), protests the Department of Public Works ("DPW") award of a contract to any of the three bidders listed below who submitted bids in response to the solicitation, IFB No. 98-0109-AA-2-0-CC. The Protester contends that, at bid opening on May 6, 1998, three bids should have been excluded from consideration for contract award for various irregularities in the bid documents.

On June 12, 1998, the protester filed this protest with the Board.

The protest is dismissed as untimely.

BACKGROUND

On April 6, 1998, DPW issued IFB No. 98-0109-AA-2-0-CC for the replacement of the roof of the D.C. Correctional Facility, South Wing, Building #299, located at 300 19th Street, S.E.. Bid opening occurred on May 6, 1998, and seven bids were received. At the time of bid opening the bids were ranked as follows:

1. SJC	\$157,000
2. A&T	\$188,451
3. Selective	\$254,500
4. NAPA	\$257,594
5. HR	\$258,740
6. Gibson	\$266,170
7. Kobane	\$497,614

After bid opening, HR, which was awarded the 12% bid preference point reduction, became the third lowest bidder at a weighted bid of \$227,691.20. SJC also received a 7% bid preference point reduction with a weighted bid of \$146,010. On May 8, 1998, DPW found all seven bids to be responsive.

On June 12, 1998, the Protester filed this protest with the Board asserting that three of the bids should have been excluded from consideration for contract award for the following reasons:

- "1. SLC Company, Inc.'s price is well below market price and as such, we feel that the work cannot be performed properly to specifications and scope for the amount quoted. This bid price is unrealistic in that the raw cost to provide this work and raw labor cost exceeds there(sic) price.
2. A&T Associates, Inc. did not have their bid bond signed by their secretary.
3. NAPA Development Corporation's bid package did not include payments to subcontractors and suppliers."

On July 6, 1998, the Government filed a Motion to Dismiss arguing that the protest should be dismissed because:

1. HR filed its protest late with the Board;
2. the issue raised with regard to SJC's bid is not ripe for review;
3. the issue raised with regard to A&T's bid is without merit; and
4. the issue raised with regard to NAPA's bid is moot.

DECISION

Board rule 302.2, 45 DCR 1415 (March 13, 1998) provides:

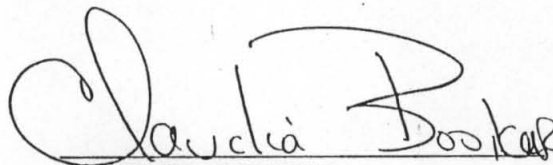
(a) A protest based upon alleged improprieties in a solicitation which are apparent prior to bid opening or the time set for receipt of initial proposals shall be filed with the Board prior to bid opening or the time set for receipt of initial proposals. In procurements where proposals are requested, alleged improprieties which do not exist in the initial solicitation, but which are subsequently incorporated into this solicitation, must be protested not later than the next closing time for receipt of proposals following the incorporation.

(b) Protests other than those covered in paragraph (a) shall be filed with the Board not later than ten (10) business days after the basis of the protest is known or should have been known, whichever is earlier.

The Board calculates that the 10 business day period would have run from May 7, the day after bid opening, until May 20, 1998. However, the Protester waited until June 12, 1998, long after the time limit for filing had elapsed. Therefore, the Board is without jurisdiction to hear and decide the merits of this protest. Accordingly, this protest is dismissed with prejudice.

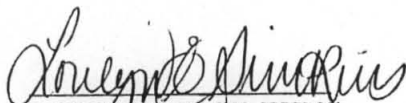
SO ORDERED.

Date: August 3, 1998

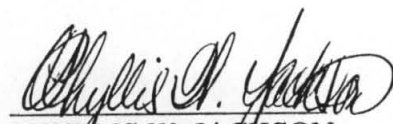


CLAUDIA BOOKER
Administrative Judge

CONCURRING:



LORILYN E. SIMKINS
Chief Administrative Judge



PHYLLIS W. JACKSON
Administrative Judge