

## **DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD**

### **PROTEST OF:**

AAA Termite & Pest Control	)	
	)	CAB No. P-0811
Under IFB No. DCAM-2009-B-0004	)	

For the Protester, AAA Termite Pest Control: Michael Wanamaker, President, pro se.  
For the Government: Robert Schildkraut, Esq., Assistant Attorney General.

Opinion by Administrative Judge Warren J. Nash, with Chief Administrative Judge Jonathan D. Zischkau, concurring.

### **OPINION**

*Filing ID 26603720*

On June 18, 2009, AAA Termite Pest Control (“AAA”) protested the cancellation of IFB DCAM-2009-B-0004, for pest control services. The District filed a motion to dismiss the protest as moot after the contracting officer found that the specifications were ambiguous and failed to state the needs of the District. After review of the protest and the motion to dismiss, the Board denies the protest.

### **FACTS**

On January 16, 2009, the Office of Contracting and Procurement (“OCP”) on behalf of the Office of Property Management (recently renamed the Department of Real Estate Services), issued IFB No. DCAM-2009-B-0004, in the small business set-aside market. (Motion to Dismiss, Ex. 1). The IFB described a firm fixed price contract for a comprehensive pest control program for District Government facilities. (Motion to Dismiss, Ex. 1). Bids were submitted on February 24, 2009. (Motion to Dismiss, Exs. 1, 6). The protester’s bid was the lowest of five bids. (Motion to Dismiss, Ex. 6). The IFB was the subject of a prior protest, P-0798, which was dismissed on April 10, 2009. The present protest was filed on June 18, 2009.

### **DISCUSSION**

In its July 8, 2009 motion to dismiss, the District asserts that the Board should dismiss the protest because the District cancelled the solicitation after determining that the specifications were ambiguous and that the specifications failed to set forth the needs of the District. In support of that determination, the contracting officer submitted a declaration dated July 7, 2009 (Motion to Dismiss, Ex. 11), setting forth the District’s reasons for cancelling the solicitation. There is no dispute that the District has properly supported the cancellation which resolves the basis for the protest. AAA has not objected to the motion. Accordingly, we deny the protest as the motion is conceded.

The protest is denied.

DATE: August 14, 2009

/s/ Warren J. Nash  
WARREN J. NASH  
Administrative Judge

CONCURRING:

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