

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

CONFIGURATION, INC.)	
)	CAB No. P-0713
Under Request for Task Order Proposals)	
No. DCJA-2005-T-0048, under GSA Federal)	
Supply Schedule GS 29F0165G)	

For the Protester, *pro se*, Christopher Powell, President, Configuration, Inc. For the Government: Howard S. Schwartz, Esq., Senior Assistant Attorney General, and Jon N. Kulish, Esq., Assistant Attorney General, District of Columbia Government.

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

OPINION

(Lexis-Nexis Filing ID 7740130)

Protester Configuration, Inc., alleges that the District improperly awarded the above GSA task order to Standard Office Supply/Standard Business Furniture (“Standard”). In its Motion to Dismiss, the District asserts that the District determination voiding the GSA task order renders moot the Configuration protest. The Board agrees that the void task order moots the protest.

BACKGROUND

The District of Columbia Office of Contracting and Procurement (“OCP”) on August 16, 2005, issued a Request for Task Order Proposal, DCJA-2005-T-0048 (“RTOP”) under GSA Federal Supply Schedule No. GS 29F0165G for furniture removal, design, purchase, and installation for the Department of Human Services (“DHS”). (Motion to Dismiss (“MD”) Ex. 1). OCP issued technical amendments on August 22, 2005, and August 24, 2005. (MD Ex. 1). Standard and Configuration submitted proposals to OCP on August 29, 2005. OCP evaluated the proposals and determined that Standard was the highest scored vendor. (MD Ex. 3). On August 31, 2005, OCP issued to Standard purchase order PO161904-V2 for delivery and installation of office furniture. (MD Ex. 2). On September 7, 2005, Configuration filed its protest with the Board.

On September 9, 2005, OCP declared void purchase order PO161904-V2. (MD Ex. 2 and 3). By Determination and Findings to Declare Contract Void, dated September 14, 2005, and approved by the Chief Procurement Officer on September 15, 2005, the Contracting Officer set forth several deficiencies in the evaluation process. The Contracting Officer recommended that the Chief Procurement Officer determine that the contract was entered into in violation of the Procurement Practices Act and is therefore void. By letter dated September 14, 2005, the

Contracting Officer notified Standard that Standard's purchase order PO161904-V2 was void *ab initio*.

By Determination and Findings for Sole Source under Federal Supply Schedule, dated September 19, 2005, the Contracting Officer memorialized a sole source purchase order that had been issued to Standard on September 14, 2005, for the purchase of furniture. (MD Ex. 5). On September 21, 2005, the District filed its motion to dismiss.

CONCLUSION

Configuration asserts that OCP improperly evaluated Standard's proposal under the GSA Schedule, and that OCP should void the award. OCP, in its Determination and Findings to Declare Contract Void, dated September 14, 2005, voided the purchase order that is the subject of the protest.¹ Because OCP voided purchase order PO161904-V2, there remain no grounds for a protest and thus the protest is moot. Accordingly, the Board dismisses the protest.

SO ORDERED.

DATE: December 29, 2005

/s/ Warren J. Nash

WARREN J. NASH
Administrative Judge

CONCURRING:

/s/ Jonathan D. Zischkau

JONATHAN D. ZISCHKAU
Chief Administrative Judge

¹ Subsequent to voiding the evaluated purchase order, OCP awarded to Standard on September 14, 2005, a sole source purchase order for the furniture. In the determination and findings to justify sole source award, OCP set forth the District's minimum need by stating that DHS needed to purchase furniture which would match and could be interchanged with Trendway furniture that DHS currently uses. DHS determined that Standard is the only GSA vendor that can provide the Trendway furniture and that Standard is also certified as a District local, small, and disadvantaged business enterprise.