

Government of the District of Columbia

CONTRACT APPEALS BOARD
717 14TH STREET, N.W., SUITE 430
WASHINGTON, D.C. 20005



(202) 727 6597

DATE: November 9, 1994

TO: Kareem Abdus-Salaam, President
Sunnyside Service Corporation
3005 Otis Street, N.W., Suite 300
Washington, D.C. 20018

Warren J. Nash
Assistant Corporation Counsel
441 4th Street, N.W., Suite 1060
Washington, D.C. 20001

SUBJECT: CAB No. P-416, Protest of Sunnyside Service Corporation Counsel

Attached is a copy of the Board's opinion in the above-referenced matter.


ROSE M. GILLISON
Clerk to the Board

Attachment

cc: William E. Slade, Esquire
Patton Boggs, L.L.P.
2550 M Street, N.W.
Washington, D.C. 20037-1350

RMG/mjh

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

SUNNYSIDE SERVICE CORPORATION)	
)	CAB No. P-416
Under IFB No. 4092-AA-03-8-DW)	

For the Protester: Mr. Kareem Abdus-Salaam, *pro se*. For the Government: Warren J. Nash and Howard S. Schwartz, Assistants Corporation Counsel. For Digital Products Corporation, an interested party: William E. Slade, Esquire, Patton Boggs, L.L.P.

Opinion by Administrative Judge Jonathan D. Zischkau, with Administrative Judges Lorilyn E. Simkins and Cynthia G. Hawkins-León, concurring.

OPINION

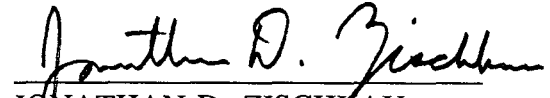
The protester, Sunnyside Service Corporation, protests the District of Columbia Department of Administrative Services' ("DAS") Solicitation No. 4092-AA-03-8-DW. We deny the protest.

On July 15, 1994, DAS issued, on behalf of the District's Department of Corrections ("DOC"), Solicitation No. 4092-AA-03-8-DW in the open market to obtain electronic monitoring services for use in DOC's home detention program. By Addendum No. 5, bid opening date has been revised to November 9, 1994. Two of the protester's complaints about the original solicitation -- that section C.4.2.3, item a.(02), of the statement of work was unduly restrictive because it excluded manufacturers of electronic monitoring devices that do not include "built-in" telephone handsets, and that section C.4.2.2, item j, was unclear and ambiguous -- have been addressed by Addendum No. 5 and the Board concludes that those issues are now moot.


The only other issue raised by the protester is that the best interests of the District would be served by permitting bidders to provide long-term lease pricing as an alternative to rental. The District replies that the contracting officer has determined that a rental arrangement meets the agency's minimum needs. The protester has not responded to the agency report and has not demonstrated that the contracting officer's minimum needs assessment is clearly unreasonable. *See Beretta U.S.A. Corp.*, CAB No. 144, May 17, 1991, 38 D.C.Reg. 3098, 3120-21.

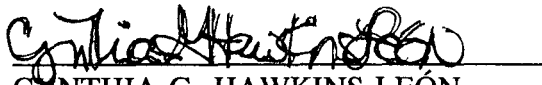
Accordingly, the protest is denied.

DATE: November 9, 1994


JONATHAN D. ZISCHKAU
Administrative Judge

CONCURRING:


LORILYN E. SIMKINS
Chief Administrative Judge


CYNTHIA G. HAWKINS-LEÓN
Administrative Judge