

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

THE ANSWER TEMPS, INC.)	
)	CAB No. P-616
Under IFB No. POHC-2000-B-0001)	
(HCOCO 155361))	

For the Protester, The Answer Temps, Inc.: Allene Graves, *pro se*. For the Government: Howard Schwartz, Esq., and H. Christopher Malone, Esq., Assistants Corporation Counsel.

Opinion by Administrative Judge Jonathan D. Zischkau, with Administrative Judges Phyllis W. Jackson and Matthew S. Watson, concurring.

OPINION

The Answer Temps, Inc. challenges the award of any contract by the Department of Health on the grounds that two amendments of the solicitation which affected pricing were not received and acknowledged by all bidders. The District responds in its Agency Report that all prospective bidders were sent the amendments, and that of the five who submitted bids, four acknowledged the one amendment and three acknowledged the other amendment. Answer Temps has not filed comments on the Agency Report. Because Answer Temps has not shown a valid basis for its grounds for protest, we deny the protest.

BACKGROUND

The facts set forth in the District's Agency Report are not disputed by Answer Temps. On April 10, 2000, a contracting officer with the Office of Contracting and Procurement ("OCP") issued IFB No. POHC-2000-B-0001 (HCOCO-155361) on behalf of the Department of Health for a contractor to provide professional medical staff at various substance abuse outpatient and inpatient treatment facilities for the Addiction and Prevention and Recovery Administration. (Agency Report ("AR") Ex. 1). OCP advertised the IFB in the Washington Times and on OCP's web site. (AR Ex. 2). OCP mailed the IFB to seven businesses on the original bidders list and 19 other businesses obtained the IFB from OCP. (AR Ex. 3).

In response to questions raised by several of the prospective bidders, including Answer Temps, the contracting officer issued Amendment No. 1 which extended the closing date for bids and Amendment No. 2 which provided written answers to the bidders' questions. (AR Exs. 6, 7). Answer Temps submitted questions to the contracting officer concerning Amendment No. 2, including a question concerning how bidders were to present pricing for evenings, weekends, and holidays. (AR Ex. 8). The contracting officer issued Amendment No. 3 which extended the bid closing date to May 24, 2000, and Amendment No. 4 which responded to the additional questions from Answer Temps and other bidders. (AR Exs. 9, 10). Amendment No. 4 contained a "Continuation Pricing Page" for bidders to insert labor pricing for evenings, weekends, and holidays.

The contracting officer sent copies of Amendment Nos. 1-4 by facsimile to the 13 businesses on the revised bidders' list on the dates that those amendments were issued. (AR Ex. 3).

On May 24, 2000, OCP opened bids received from IIU Consulting Institute, Inc., Kidd International Home Care Services, Inc., Trifax Corporation, Answer Temps, and Horton & Barber Professional Services, Inc. (AR Ex. 2). The bids of IIU, Kidd, and Trifax included signed acknowledgments of Amendment Nos. 1-4. (AR Exs. 2, 12-14). Answer Temps' bid contained an unsigned copy of Amendment No. 2 and completed pricing sheets from Amendment No. 4. Horton & Barber's bid contained signed acknowledgments of Amendment Nos. 1-3, but not 4. (AR Ex. 15).

On June 1, 2000, Answer Temps filed this protest. The District filed its Agency Report on June 22, 2000. Answer Temps has not filed comments on the Agency Report. The contracting officer apparently has not made an award.

DISCUSSION

We exercise protest jurisdiction pursuant to D.C. Code § 1-1189.3.

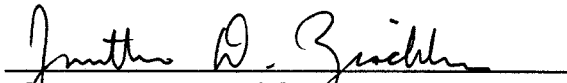
Contrary to Answer Temps' assertions in its protest, Amendment No. 2 was acknowledged by all five bidders. Amendment No. 4 was acknowledged by three of the five bidders. Although Answer Temps did not acknowledge Amendment No. 4, it nonetheless incorporated the "Continuation Pricing Page" from Amendment No. 4 in its bid. Also, at least Trifax and Answer Temps provided separate pricing for evenings, weekends, and holidays on the "Continuation Pricing Page" furnished to the bidders with Amendment No. 4.

Answer Temps also argues that the "Continuation Pricing Page" from Amendment No. 4 does not cover the option years and that this purported defect prevented bidders from properly pricing the services. The argument is untimely and without merit. A challenge to the terms arising from a solicitation amendment are due by the next closing date. D.C. Code § 1-1189.8(b)(1). Answer Temps never filed a timely solicitation challenge. In any event, Answer Temps provided option year pricing by photocopying the single "Continuation Pricing Page" and incorporating pricing for each option period on a separate page.

CONCLUSION

The protest challenges raised by Answer Temps are without factual basis. Accordingly, the protest is denied.

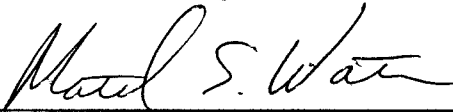
DATED: July 26, 2000


JONATHAN D. ZISCHKAU
Administrative Judge

CONCURRING:

A handwritten signature in cursive script, appearing to read "Phyllis W. Jackson", written over a horizontal line.

PHYLLIS W. JACKSON
Administrative Judge

A handwritten signature in cursive script, appearing to read "Matthew S. Watson", written over a horizontal line.

MATTHEW S. WATSON
Administrative Judge