

GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD

PROTEST OF:

| | | |
|---|---|----------------|
| DIXON'S TERMITE AND PEST |) | |
| MANAGEMENT |) | CAB No. P-0706 |
| |) | |
| Under Requisition No. 6635, Water and Sewer |) | |
| Authority |) | |

For the Protester: Robert Dixon, President, Dixon's Termite and Pest Management, Inc.,
pro se. For the Government: Monica E. Monroe, Esq., and Frederick A. Douglas, Esq., Douglas,
Boykin & Oden, PLLC.

Opinion by Administrative Judge Warren J. Nash, with Chief Administrative Judge
Jonathan D. Zischkau and Administrative Judge Matthew S. Watson, concurring.

OPINION

(Lexis-Nexis Filing ID 5747976)

The District of Columbia Water and Sewer Authority ("WASA") filed a motion to
dismiss the instant protest on the grounds that the Board lacks jurisdiction to consider protests
against WASA contract awards, or, in the alternative, that protester had failed to exhaust
administrative remedies prior to appealing to the Board. The Board finds that it is without
jurisdiction over WASA procurements and dismisses the protest.

BACKGROUND

WASA issued Requisition No. 6635 for pest control work at WASA. On March 28,
2005, Dixon's Termite and Pest Management, Inc., protested the award and alleged that WASA
had not provided to Dixon any information about the requisition. On April 18, 2005, WASA
filed its motion to dismiss the protest.

DISCUSSION

This Board is an administrative agency created by the Procurement Practices Act of 1985
("PPA") which is codified as Chapter 3 of Title 2 of the D.C. Code (2001 ed.), (§ § 2-301.01 to
2-327.03), and particularly, Subchapter IX (id. at § § 2-309.01 to 2-309.08). Jurisdiction of the
Board shall be consistent with the coverage of . . . [the PPA] and [the exceptions provided in] §
2-303.20. . . ." D.C. Code § 2-309.03(b). The Board shall have only those powers conferred on it
by statute, either expressly or by necessary implication. See, e.g., *Black Entertainment
Television*, CAB No. P-0436, Oct. 2, 1995, 44 D.C. Reg. 6394; *Xerox Corp.*, CAB No. D-0979,
Nov. 6, 1995, 44 D.C. Reg. 6406.

D.C. Code § 3-303.20(j) provides:

Nothing in this chapter [the Procurement Practices Act] shall affect the District of Columbia Water and Sewer Authority's powers to establish and operate its procurement system and to execute contracts pursuant to Chapter 22 of Title 34.

This decision is controlled by our identical decision involving the same protester in *Dixon's Termite and Pest Control, Inc.*, CAB No. P-0659, Aug. 7, 2002, 50 D.C. Reg. 7453, 7454. WASA's Motion to Dismiss is GRANTED and the protest is DISMISSED for lack of jurisdiction.

SO ORDERED.

DATE: May 4, 2005

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

CONCURRING:

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

/s/ Matthew S. Watson
MATTHEW S. WATSON
Administrative Judge