

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
CONTRACT APPEALS BOARD

PROTEST OF:

O.D. JETER TRUCKING, INC.	)	
	)	CAB No. P-431
Under IFB No. OMS 5122-AA-FB	)	

For the Protester: Mr. Oscar D. Jeter, Sr., *pro se*. For the Government: Anne Cauman and Nancy Hapeman, Assistants Corporation Counsel.

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

**OPINION**

O.D. Jeter Trucking, Inc. ("Jeter") protests the District of Columbia Department of Public Works' ("DPW") award of Contract No. OMS 5122-AA-FB to MTI Construction Co. ("MTI") on the ground that MTI did not comply with a clause regarding definitive responsibility criteria and cannot comply with a clause governing subcontracting requirements. The District responds that neither of the clauses on which Jeter relies are contained in the solicitation. We deny the protest.

**FACTS**

The following uncontested facts are derived from the District's agency report. MTI has not responded to the agency report. See Board Rules 307.1-307.4, 36 D.C.Reg. 2713-14 (1989). On April 7, 1995, DPW issued Invitation for Bids No. OMS 5122-AA-FB, an emergency solicitation for the cleaning and removal of grit from the wastewater treatment system at Blue Plains, with bids due on April 10, 1995. (Agency Report ("AR") Exhibit 1). The record indicates that the IFB consisted of (1) a fax cover page addressed to each potential bidder with hand-written instructions concerning the due date for bids, and (2) a one-page "Schedule." On April 10, DPW received bids from Jeter and MTI. (AR Exhibit 2).

On April 12, 1995, DPW furnished Jeter and MTI a revised solicitation after DPW personnel became aware that the original solicitation did not contain a term (duration) for the contract. (AR at 2; AR Exhibit 3). The revised solicitation consisted of (1) a fax cover page, (2) a one-page "Schedule", and (3) a single page containing specifications. Later that same day, DPW received bids on the revised solicitation from Jeter and MTI. (AR Exhibits 4 and 5). MTI was the apparent low bidder.

On April 19, 1995, Jeter filed with the Board its protest of the proposed contract award to MTI. Although the record does not indicate when DPW awarded the contract to MTI, the record contains a "Determination and Findings for Emergency Procurement" executed on April 17 by the Administrator of DPW's Water and Sewer Administration and on April 24 by the

Administrator of DPW's Office of Management Services. (AR Exhibit 6). The record also indicates that MTI commenced performance on April 28. (AR at 2; AR Exhibit 7).

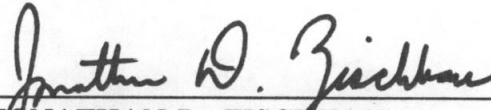
### DISCUSSION

The Board has jurisdiction over the protest pursuant to D.C.Code § 1-1189.3 (1992).

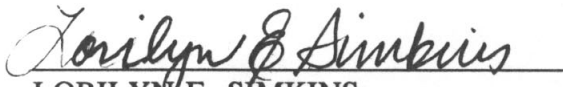
Citing an "item 20" and an "item 23" of the solicitation, Jeter claims that MTI should not have received award because it is unable to meet certain alleged definitive responsibility criteria and subcontracting requirements. Apparently, Jeter is referring to clauses contained in prior contracts awarded by the agency. Having carefully reviewed the April 10 original solicitation and the April 12 revised solicitation, we are unable to find the special standards of responsibility or subcontracting requirement cited by Jeter. We agree with the District that Jeter's protest is without merit.

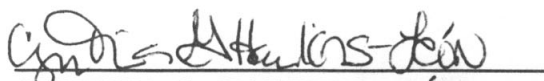
Accordingly, the protest is denied.

DATE: June 1, 1995

  
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JONATHAN D. ZISCHKAU  
Administrative Judge

CONCURRING:

  
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LORILYN E. SIMKINS  
Chief Administrative Judge

  
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CYNTHIA G. HAWKINS-LEÓN  
Administrative Judge