

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
CONTRACT APPEALS BOARD**

PROTEST OF:

CAPITOLCARE INCORPORATION)	
)	CAB No. P-126
Under RFP No. 8423-AA-NS-0-8-EJ)	

For the Protestor: Carthur Drake, President, CapitolCare, Inc. For the Government: Howard S. Schwartz, Assistant Corporation Counsel.

Opinion by Administrative Judge David H. Marlin, with Administrative Judges William L. Davis and Zoe Bush concurring.

OPINION

This protest by CapitolCare Incorporated, (CCI, Protestor), challenges the award of a contract to provide electronic monitoring devices for the Department of Corrections' work release and home detention program to the Hitek Community Control Corporation (Hitek).

CCI argues that Hitek, a Florida-based corporation, is incapable of providing services within the metropolitan area of Washington, D.C. and, further, that Hitek's bid was nonresponsive to the technical specifications of the IFB in the following respects:

- 1. The transmitter for monitoring movements of the participants in the home security program does not meet the requirements of the IFB;**
- 2. The receiver/dialer equipment fails the technical specifications, as does the control computer; and**
- 3. Hitek cannot perform as required by the IFB.**

The District submits that CCI's protest raises the issue of whether the government properly evaluated Hitek's bid. Each of CCI's individual issues is analyzed and answered.

CCI did not respond to the Agency Report.

We have carefully considered each issue raised by CCI and the District's response thereto. Under our rules, a protestor has the burden of establishing its case by a

preponderance of the evidence. In this matter, the District refuted each allegation effectively. The failure of CCI to reply to the Agency Report and provide evidence to substantiate its claims, or to contest the District's defenses, has resulted in a failure to meet its burden of proof.

The protest is DENIED.

DATE: September 26, 1991

David H. Marlin

DAVID H. MARLIN
Administrative Judge

CONCUR:

Zoe Bush

ZOE BUSH
Administrative Judge

William L. Davis

WILLIAM L. DAVIS
Chief Administrative Judge