

## DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

PROTEST OF:

COMPREHENSIVE COMMUNITY HEALTH     )  
AND PSYCHOLOGICAL SERVICES, LLC     )  
   ) CAB No. P-0821  
Under Contract No. DCFL-2006-D-6001     )

For Comprehensive Community Health and Psychological Services, LLC: Mr. Ernest Middleton, *pro se*. For the District of Columbia Government: Talia S. Cohen, Esq., Assistant Attorney General.

Opinion by Chief Administrative Judge Jonathan D. Zischkau, with Administrative Judge Warren J. Nash, concurring.

### OPINION

*Filing ID 27015972*

Comprehensive Community Health and Psychological Services, LLC (“CCHPS”) protests the approval and administration by the Office of Contracts and Procurement (“OCP”) of an option year contract with Unity Health Care, Inc. CCHPS protests that it was not awarded a subcontract by Unity, and raises various contract administration issues. The instant protest raises essentially the same allegations found in CCHPS’s recently dismissed protest in CAB No. P-0809, relating to the approval and administration of the original contract awarded to Unity in July 2006. We conclude that CCHPS as a disappointed subcontractor lacks standing to protest and that the allegations it raises concerning various contract administration actions are not proper grounds for protest. Accordingly, we summarily dismiss the protest pursuant to Board Rule 308.1.

### BACKGROUND

We set forth below the relevant facts regarding the Unity contract which are drawn from the Board’s August 26, 2009 decision dismissing CCHPS’s protest in CAB No. P-0809. On July 19, 2006, OCP awarded to Unity a sole source contract, DCFL-2006-D-6001, for community oriented correctional health care for the Department of Corrections. (P-0809, Protest Ex. B; District’s Motion to Dismiss at 2). On June 16, 2009, CCHPS filed its protest in CAB No. P-0809, alleging that: (1) the District improperly awarded the 2006 sole source contract to Unity; (2) the District improperly reduced the subcontracting set-aside requirement of the Unity contract from 35 to 20 percent; (3) the District improperly allowed Unity to subcontract with its wholly owned subsidiary (Health Right, Inc.) to the detriment of CCHPS; and (4) Unity improperly refused to subcontract with CCHPS. The Board dismissed that protest because CCHPS as disappointed subcontractor lacked standing, and the challenged contract administration issues were not proper protest grounds under the Procurement Practices Act.

On September 9, 2009, CCHPS filed the instant protest, raising substantially the same issues it previously raised in CAB No. P-0809. Here, CCHPS protests the approval and administration of an option year contract extension to Unity Health Care (Protest at 1) rather than protesting the original award and administration as in CAB No. P-0809. Like its earlier protest, CCHPS again alleges that the District improperly reduced the subcontracting set-aside requirement of the Unity contract from 35 to 20 percent; the District improperly allowed Unity to subcontract with its wholly owned subsidiary to the detriment of CCHPS; and Unity improperly refused to subcontract with CCHPS. (Protest at 2-5).

### **DISCUSSION**

Board Rule 308.1 provides that when a protest is, on its face, invalid or untimely filed, or otherwise not for consideration, the Board shall summarily dismiss the protest without requiring submission of an agency report. This protest is invalid on its face, as the Board less than a month ago dismissed CCHPS's protest in CAB No. P-0809 raising essentially the same protest grounds. We held that CCHPS, as a potential subcontractor, did not have standing to challenge Unity's decision not to subcontract with CCHPS under its contract with the District. We also held in our earlier decision that the other issues raised by CCHPS here – regarding the subcontracting set-aside percentage reduction, Unity's subcontracting work to Health Right, and Unity's contract performance – are not proper protest grounds under the Procurement Practices Act.

The Board directs CCHPS's attention to Board Rule 308.2 which discusses possible sanctions for parties who file frivolous protests.

### **CONCLUSION**

For the reasons discussed above, we summarily dismiss the protest.

DATED: September 10, 2009

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

CONCURRING:

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