

DISTRICT OF COLUMBIA CONTRACT APPEALS BOARD

PROTEST OF:

COMPREHENSIVE COMMUNITY HEALTH)	
AND PSYCHOLOGICAL SERVICES, LLC)	
)	CAB No. P-0859
Under Contract Nos. DCFL-2006-D-6001 and)	
DCFL-2010-R-0001)	

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

Opinion by Administrative Judge Warren J. Nash, with Chief Administrative Judge Marc D. Loud, Sr., concurring.

OPINION ON MOTION FOR RECONSIDERATION

Filing ID 35825551

Comprehensive Community Health and Psychological Services, LLC (“CCHPS”) protested the approval and administration by the Office of Contracts and Procurement of an option year contract with Unity Health Care, Inc. CCHPS protested for the third time in P-0859 the administration of a contract performed by Unity and the failure of Unity to award a subcontract to CCHPS in connection with a 2006 procurement. We dismissed two earlier protests raising the same allegations in CAB Nos. P-0809 and P-0821. We concluded in our opinion in this protest that CCHPS, a disappointed subcontractor, lacks standing to protest and that the allegations it raises concerning various contract administration issues are not proper grounds for protest. CCHPS also seems to challenge the cancellation of a 2010 solicitation but we conclude that this challenge is untimely. Accordingly, we dismiss CCHPS’s protest. We further find in our P-0859 opinion that CCHPS’s repeat protest of the 2006 procurement which we previously rejected in two earlier protest decisions is frivolous pursuant to D.C. Code § 2-309.08(g) and Board Rule 308.2. On December 1, 2010, CCHPS filed a motion requesting that the Board reconsider its decision to dismiss the protest of option year contract DCFL-2006-D-6001. CCHPS alleges that the Board does not understand all of the facts regarding the protest. After review, we deny the protester’s request for reconsideration of our opinion in P-0859.

DISCUSSION

This Board held in two prior opinions that CCHPS does not have standing to protest the administration of contract DCFL-2006-D-6001. A full discussion of those issues is set forth in our opinions in P-0809 (CAB No. P-0809 Opinion, dated August 26, 2009) and P-0821 (CAB No. P-0821 Opinion, dated September 10, 2009). The protester’s motion for reconsideration adds nothing to our understanding of the facts that are set forth in the three opinions. The

protester asserts that his position as a subcontractor should not disqualify him from participating in the protest process. The Board answers that assertion by stating that the Procurement Practices Act does not grant protest standing to prospective subcontractors. In order for the Board to have jurisdiction over a protest, the protestor must be an actual bidder or offeror, or a contractor who is aggrieved in connection with the solicitation or award. (DC Code §§ 1-1189.3 and 1-1189-8(a), 45 DC Reg. 1386).

Although not specifically raised in the protester's motion to reconsider, we see no reason to revisit our opinion that CCHPS failed to timely file its protest of the 2010 solicitation.

CONCLUSION

For the reasons discussed above, we deny the protester's motion to reconsider our opinion in P-0859.

SO ORDERED.

DATED: February 8, 2011

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

CONCURRING:

/s/ Marc D. Loud, Sr.
Marc D. Loud, Sr.
Chief Administrative Judge