



September 29, 2017

BY E-MAIL AND CERTIFIED MAIL

Mr. Michael Bartlow
M&N Express LLC
415 West Avenue
Delanco, NJ 08075-5027

Re: Supplier Disagreement Resolution No. SDR17-TR-08

Dear Mr. Bartlow:

This letter responds to the submission that you made on behalf of M&N Express LLC ("M&N") with the Supplier Disagreement Resolution ("SDR") Official on August 3, 2017. In that submission, you challenged the award of Highway Contract Route ("HCR") 190M4 to Davis Mail Services, Inc. ("DMS") resulting from Solicitation No. 300-77-17. According to your submission, M&N was aware of the solicitation when it was open, but M&N was unable to find the solicitation on Emptoris, the Postal Service's e-sourcing website, or on FedBizOpps.gov. As a result, M&N was unable to submit an offer when the solicitation was open. M&N is requesting that the Postal Service rescind the award to DMS and resolicit the contract.

M&N is registered as a supplier in Emptoris. On April 26, 2017, at 12:23 p.m. Central Daylight Time, Emptoris sent a message to M&N's registered e-mail address inviting M&N to submit an offer under Solicitation No. 300-77-17 for HCR 190M4. The invitation included instructions on how to submit an offer between April 26 and May 17, 2017, and provided the email address of Sheila Mobley to contact with any questions that a supplier might have during the solicitation process. Ms. Mobley is a purchasing specialist in Memphis who reports to the contracting officer, Keith Harris. M&N never contacted Ms. Mobley for assistance with this solicitation. Instead, according to your submission, M&N contacted Vince D'Innocenzo, a network specialist in Philadelphia. According to Mr. D'Innocenzo, he spoke to you in May 2017, but he informed you that he was not aware of the solicitation, was not involved in the solicitation process, and could not assist you in responding the solicitation. The contract was awarded on June 12, 2017. M&N never contacted the purchasing team prior to that date. You contacted the SDR office for the first time when you made the August 3 submission.

Thus, according to your August 3 submission, M&N did not follow any of the instructions it received from the Postal Service with respect to Solicitation No. 300-77-17. Specifically, M&N did not submit an offer through Emptoris prior to the closing date of May 17, 2017, and M&N did not contact the person identified in the invitation M&N received when M&N encountered difficulty in locating or otherwise responding to the solicitation. Furthermore, M&N waited more than 10 weeks after the solicitation closed before contacting the Postal Service to demand that the award to DMS be set aside.

The Postal Service's SDR regulations, at 39 C.F.R. 601.107 and 601.108, set forth procedures by which an actual or prospective offeror can challenge a procurement action by the Postal Service. These procedures are the "sole and exclusive means to resolve disagreements" by suppliers seeking to challenge Postal Service procurement actions. 39 C.F.R. 601.108(b). Before the SDR Official may consider a supplier disagreement, the supplier must first timely lodge an initial disagreement with the responsible contracting officer within 10 days of the date the supplier received the notification of award or 10 days from the date of debriefing, whichever is later. 39 C.F.R. 601.107(b); 601.108(a). To initiate the SDR process, an interested party must lodge an initial business disagreement with the contracting officer in a timely manner. Disagreements that concern alleged improprieties in a solicitation must be

sent to the responsible contracting officer and must be received before the time set for the receipt of offers. 39 C.F.R. 601.107 (b). If the contracting officer fails to resolve the initial disagreement to the offeror's satisfaction, the offeror may then contest the award by lodging a disagreement with the SDR official within time limits prescribed in the regulations. 39 C.F.R. 601.108(d). The SDR official may direct the contracting officer to take corrective action, but only after the parties have attempted to resolve the disagreement at the contracting officer level and have failed to do so.

In addition to failing to comply with the instructions included in the invitation to submit an offer in response to the solicitation, M&N has failed to comply with any of the regulations applicable to a supplier business disagreement. M&N did not lodge an initial disagreement with the contracting officer. Based on the invitation that M&N received, M&N was aware of the May 17 closing date of the solicitation, but took no action to initiate a disagreement in the manner prescribed by the applicable regulations. Furthermore, M&N waited more than 10 weeks after that date before contacting the SDR office to request relief.

Because M&N failed to lodge a timely, initial disagreement with the contracting officer, M&N lacks standing to pursue the SDR process with the SDR official. Consequently, I cannot provide any relief, and M&N's request to set aside the award to DMS and re-solicit HCR 190M4 must be denied.

In accordance with 39 C.F.R. 601.108(g), this is my final resolution of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Beiro-Réveillé". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jennifer Beiro-Réveillé
Supplier Disagreement Resolution Official