



July 29, 2020

BY EMAIL AND CERTIFIED MAIL

David P. Hendel, Esq.  
Culhane Meadows PLLC  
1101 Pennsylvania Avenue NW, Suite 300  
Washington, DC 20004-2582

Re: Supplier Disagreement Resolution No.: SDR-20-TR-005

Dear Mr. Hendel,

This letter responds to the business disagreement (the "Disagreement") lodged on behalf of Larry Jensen Mail Transport Inc. ("LJMT") on June 19, 2020 with the Supplier Disagreement Resolution Official ("SDRO"). The Disagreement concerns the award of HCR 833AA, Twin Falls Pioneer Station, ID. For the reasons set forth below, I deny LJMT's Disagreement.

### **Procedural History**

On April 9, 2020, the Postal Service issued a solicitation to multiple potentially interested suppliers for an existing route running in Twin Falls, Idaho. LJMT was not among the local group of suppliers solicited for the procurement, although the Postal Service did expressly invite over 600 other suppliers to participate in the procurement. LJMT lodged an initial disagreement with the contracting officer on June 1, 2020 contending, in essence, that LJMT ought to have been included in the group of suppliers invited to participate in the solicitation as an incumbent HCR supplier on other routes in the same geographic area. The contracting officer denied LJMT's initial disagreement on June 9, 2020. On June 19, 2020, LJMT lodged the instant Disagreement with the SDRO.

Upon further review of this matter, on July 24, 2020, the contracting officer advised the SDRO that he would take corrective action, *i.e.*, reissuance the solicitation and including LJMT on or about August 3, 2020. Should the current incumbent's proposal not remain the best value to the Postal Service, the CO intends award a new contract to the best value offeror and terminate the current contract on notice.

### **SDRO Decision**

A contracting officer's decision to take corrective action that addresses the substance of the underlying Disagreement renders the Disagreement moot. *See Guardian Moving & Storage Co., Inc. v. U.S.*, 657 Fed. App'x 1018, 1025 (Fed. Cir. 2016). Here, the contracting officer's proposed corrective action is fairly tailored to address the perceived deficiencies in the procurement and, accordingly, renders the Disagreement academic. For that reason, I deny the Disagreement as moot. In accordance with 39 C.F.R. § 601.108(g), this is my final and binding resolution of this matter.

Sincerely,

Robert D. D'Orso  
Supplier Disagreement Resolution Official  
Manager, Policy, Compliance & Audit

cc: Michelle Fox