

December 1, 2006

Mrs. Denise Baiamonte  
1125 West Lucille Circle  
Camp Verde, Arizona 86322-7538

RE: Supplier Disagreement Resolution Case No. OM07MT-04

Dear Mrs. Baiamonte:

You lodged a disagreement on November 13 with respect to the award of solicitation nos. 980-0351-06, 980-0357-06, 980-0356-06, 980-0350-06, 980-0364-06, 980-0362-06 and 980-0349-06 for various highway contract routes. In order for a person or organization to lodge a disagreement as defined in 39 CFR §601, he or she must have standing. Because your disagreement lacks standing, I must dismiss your disagreement.

The requirement for "standing" is satisfied if the person or organization is an actual or prospective offeror whose direct economic interests would be affected by the award of, or failure to award the contract. In your disagreement, you did not provide any evidence that you submitted offers on any of the seven above-mentioned solicitations. According to your letter to the contracting officer dated September 11, you received the above-mentioned solicitations and the specifications requested a right hand vehicle that has 60 cubes of space. You asked the contracting officer if your 36.5 cube vehicle would be acceptable given the specifications. The contracting officer's response to you was "No, unfortunately it still needs to be approximately 60 cubes..." Based on the contracting officer's response, you assumed that you could not propose on the solicitations; therefore, you decided not to propose. It was not until after the contracts were awarded, that you filed a disagreement with the contracting officer.

To be a prospective offeror, you must lodge a disagreement on the terms of a solicitation with the contracting officer before the deadline for submission of the proposals or, alternatively, you must propose on the solicitation despite the contracting officer's advice, and then lodge a disagreement as an offeror if your proposal is rejected. In this instance, your disagreement with the contracting officer was untimely. Accordingly, due to the absence of standing in this case, I must dismiss your disagreement.

Sincerely,



Juanda J. Barclay, C.P.M., A.P.P.  
USPS Supplier Ombudsman

cc: Raymond K. Luke