

SUPPLY MANAGEMENT



September 27, 2005

Opal A. Dill, President
LAPO, Incorporated
396 North Lotus Isle Drive
Portland, OR 97217-8071

RE: Supplier Disagreement Resolution Case No. OM05MT-02; Award of HCR No. 98043

Dear Ms. Dill:

Your letter of September 6, 2005, presented a disagreement as defined in 39 CFR Part 601 with respect to HCR No. 98043. I have examined the disagreement lodged with me as well as the information you provided. I have also discussed the matter with the contracting officer. Based on the chronological summary of correspondence between you and the contracting officer relating to the disagreement regarding HCR No. 98043, I find that you did not lodge your disagreement with me in a timely manner. The following are my findings and conclusions:

- (1) On June 30, 2005, notification of contract award was sent to all offerors including LAPO, Inc.
- (2) In correspondence dated July 5, 2005, you requested a meeting with the responsible Contracting Officer David G. Lindlief, Western DNO, Seattle Branch to discuss the award of Contract No. 98043.
- (3) On July 8, 2005, a telephone conference debriefing was conducted between LAPO, Inc. and the contracting officer regarding award of Contract No. 98043. Pursuant to 39 CFR §601.107, all disagreements against the Postal Service arising in connection with the purchasing process must be lodged with the responsible contracting officer for resolution within 10 days of the date the disagreement arose. If the disagreement was unresolved during the debriefing, LAPO, Inc. had 10 calendar days from the date of the debriefing to lodge its disagreement with the responsible contracting officer.
- (4) In accordance with §601.107, LAPO, Inc. timely lodged its disagreement with the contracting officer in its letter dated July 11, 2005. However, according to §601.108 when a disagreement under §601.107 is not resolved within 10 calendar days of when it was lodged with the contracting officer, then the disagreement may be lodged with the Ombudsman for final resolution. Although the contracting officer's final decision letter was dated August 19, 2005, §601.108(e) clearly states that "a disagreement must be lodged with the Ombudsman within 20 calendar days after the time it was presented in §601.107". LAPO's, Inc. right to lodge with the Ombudsman lapsed on July 31, 2005. LAPO's, Inc. letter to the Ombudsman was dated September 6, 2005. Consequently, LAPO, Inc. was almost two months late in lodging its disagreement with the Ombudsman.
- (5) If LAPO Inc. needed additional time to lodge its disagreement with the Ombudsman, it was LAPO's Inc. responsibility to request an extension of time to lodge its disagreement. Section § 601.108(e) states that "the Ombudsman may grant an extension of time to lodge a disagreement or to provide supporting information when warranted. Any request for an

extension must set forth the reasons for the request, be made in writing, and be delivered to the Ombudsman on or before the time to lodge a disagreement lapses." LAPO, Inc. time to lodge its disagreement lapsed on July 31, 2005. LAPO, Inc. did not request an extension of time to lodge its disagreement with the Ombudsman on or before July 31, 2005. Accordingly, LAPO's, Inc. disagreement is untimely.

I conclude that LAPO, Inc. did not lodge its disagreement in a timely manner and therefore the award of HCR 98043 stands.

This is the Postal Service's final decision on this disagreement. See 39 CFR 601.108(h).

Sincerely,

A handwritten signature in black ink that reads "Juanda J. Barclay". The signature is written in a cursive, flowing style.

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

cc: David G. Lindlief
Kristen E. Stoneback