



UNITED STATES DEPARTMENT OF COMMERCE
Office of the General Counsel
OFFICE OF THE ASSISTANT GENERAL COUNSEL
FOR ADMINISTRATION AND TRANSACTIONS
Contract Law Division

November 8, 2017

VIA Email to protests@gao.gov; HanshawL@gao.gov

U.S. Government Accountability Office
Office of the General Counsel
Procurement Law Control Group
Attn: Ms. Lois Hanshaw, Esq.
441 G Street NW
Washington, DC 20548

Re: B-414886.1, B-414886.2, B-414886.3 – Matter of AT&T Corporation

Dear Ms. Hanshaw:

On October 5, 2017, the Department of Commerce, United States Census Bureau (Census) received GAO's decision sustaining the above-referenced protest of the Decennial Device as a Service (dDaaS) contract award. The decision recommends that Census reopen the competition, conduct discussions, accept revised proposals, reevaluate, and make a new selection decision in accordance with the evaluation criteria set forth in the RFP. It further recommends Census reimburse Protester its reasonable costs of filing and pursuing the protests, including attorneys' fees.

Census takes GAO's recommendations seriously and immediately began examining all potential paths forward to enable Census to proceed with this important program without endangering the critical path for the 2020 Decennial Census. As part of that process, Census began developing an action plan to implement GAO's recommended corrective action. Census also convened a meeting with the Awardee/Intervenor and the Protester on October 12, to describe the steps Census was taking and to facilitate a dialogue between the Protester and the Intervenor.

On November 7, the Intervenor notified Census that the Intervenor and the Protester have executed a subcontracting agreement pursuant to which the Protester will provide services to the Intervenor and Census under the existing dDaaS contract award. On November 8, the Protester notified Census that (1) in light of the subcontracting agreement, the Protester has no objection to Census authorizing the Intervenor to recommence performance under the existing award; (2) the subcontracting agreement resolves any prejudice towards the Protester that the errors GAO identified in Census' source selection process may have caused; and (3) the subcontracting agreement between the Intervenor and the Protester renders moot GAO's recommendation to reopen discussions and make a new selection decision. Accordingly, Census intends to lift the existing stop work order on the dDaaS contract and authorize the Intervenor to recommence performance thereunder. Census will also implement GAO's second recommendation to reimburse the Protester's protest filing costs and attorneys' fees.

Census has conferred with the Protester and the Intervenor, who have reviewed this report and concur with this approach.

Respectfully submitted,

Lauren Didiuk, Esq.
Wilmary Bernal, Esq.
Office of the Assistant General Counsel for
Administration and Transactions
Office of the General Counsel
U.S. Department of Commerce

cc: Paul Hahn, Esq. – Counsel for the Protester
David Nadler, Esq. and David Yang, Esq. – Counsel for the Intervenor