

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
 BID PROTEST

CONTINENTAL SERVICE GROUP, INC.,)	
and PIONEER CREDIT RECOVERY,)	
INC.,)	
Plaintiffs,)	
)	
and)	
)	
COLLECTION TECHNOLOGY, INC.,)	
PERFORMANT RECOVERY, INC.,)	
ALLTRAN EDUCATION, INC., and)	
PROGRESSIVE FINANCIAL SERVICES,)	
INC.,)	
)	
Plaintiff-Intervenors,)	
)	
v.)	Nos. 17-449C; 17-499C; 17-493C; 17-517C
)	17-578C; 17-558C; 17-633C
THE UNITED STATES,)	Consolidated
)	Chief Judge Susan G. Braden
Defendant,)	
)	
and)	
)	
CBE GROUP, INC.,)	
FINANCIAL MANANGEMENT)	
SYSTEMS, INC.,)	
GC SERVICES LIMITED)	
PARTNERSHIP,)	
PREMIERE CREDIT of NORTH)	
AMERICA, LLC,)	
VALUE RECOVERY HOLDINGS, LLC,)	
and)	
WINDHAM PROFESSIONALS, INC.,)	
)	
Defendant-Intervenors.)	

DEFENDANT’S STATUS REPORT

Pursuant to the Court’s order dated August 29, 2017, defendant, the United States, respectfully files this status report notifying the Court of the status of the Department of Education’s (ED) corrective action in these protests. Defendant also provides notice of its

intent to file a motion for leave to file the status report and other documents with the Court of Appeals for the Federal Circuit in *Continental Service Group, Inc. et al. v. United States et al.*, Fed. Cir. Nos. 17-2155-2156, -2157, -2158, -2159, -2160, -2210, -2212, -2214, -2215, -2216, -2221, and -2342 (Fed. Cir.), as directed by the Court's order dated August 29, 2017.

I. Status of Corrective Action

In a notice filed on August 24, 2017, we informed the Court that ED's evaluation teams have completed their review of all proposals, and that evaluation reports were being prepared and should be finalized within the next few weeks. ECF No. 184 (Defendant's Notice of the Status of Corrective Action dated August 24, 2017). Evaluation reports are now being finalized, with an expected completion date of September 18, 2017. Once the reports are finalized, ED's Source Selection Authority will perform an integrated assessment to identify the proposal(s) deemed to be most advantageous to the Government, followed by a responsibility determination of each apparently successful offeror. Once a new source selection determination has been made, ED will announce any new award or awards, and/or the termination of previously-awarded contracts, as appropriate.

As stated in our August 4, 2017 and August 24, 2017 status reports, this corrective action is a top priority of Federal Student Aid, and ED is working diligently to complete the corrective action. Defendant respectfully requests that it be allowed to file a status report on October 5, 2017, informing the Court of the status of the corrective action.

II. Defendant's Motion For Leave To File This Status Report In
Continental Service Group, Inc. et al. v. United States et al.,
Nos. 17-2155-2156, -2157, -2158, -2159, -2160, -2210, -2212, -2214, -2215, -2216,
-2221, and -2342 (Fed. Cir.)

In its order dated August 29, 2017, this Court ordered defendant to file this status report with the United States Court of Appeals for the Federal Circuit in the consolidated appeals, *Continental Service Group, Inc. et al. v. United States et al.*, Nos. 2017-2155, -2156, -2157, -2158, -2159, -2160, -2210, -2212, -2214, -2215, -2216, -2221, and -2342 (Fed. Cir.). The Court also ordered that defendant file with the Federal Circuit “(a) corrections regarding the transcript of the hearing convened by the court on May 2, 2017; and (b) the e-mail sent by the court’s law clerk on April 21, 2017, that is attached to this order as Court Exhibit A.” ECF No. 185 (Court’s order dated August 29, 2017). The Court described the “corrections regarding the transcript” of the hearing on May 2, 2017, as the inclusion of “all pages of the transcript of the afternoon hearing on May 2, 2017 to provide complete context.” Order dated August 29, 2017 (ECF No. 185). As explained below, we will comply with the Court’s order by seeking leave to file this status report and other materials described in the August 29 Order with the Federal Circuit.

As an initial matter, no appendix has yet been filed in *Continental Service Group, Inc. et al. v. United States et al.*, Nos. 2017-2155, -2156, -2157, -2158, -2159, -2160, -2210, -2212, -2214, -2215, -2216, -2221, and -2342 (Fed. Cir.). A joint appendix will be filed after the completion of the briefing by all parties. In accordance with Federal Circuit Rule 30, the Government has designated documents for inclusion in the parties’ joint appendix. This designation includes all of the pages of both sessions of the Court’s hearing on May 2, 2017. Further, because the Government specifically cited the pages in the transcript (pages 30-31, designated as Appx101481-101482) to which the Court refers in its August 29, 2017 Order,

pursuant to Federal Circuit Rules, these pages will be included in the joint appendix. In addition to these materials that are sure to be included in the joint appendix to be filed with the Federal Circuit, in accordance with the Court's order, we are seeking leave from the Federal Circuit to file the afternoon session of the May 2 hearing transcript in its entirety as an attachment to the Government's status report. Even if the Federal Circuit denies our motion for leave, the specific transcript pages cited in the Court's order will be part of the joint appendix when it is filed under normal operation of the Federal Circuit's rules.

In addition, defendant will also seek leave from the Federal Circuit to file the redacted and highlighted version of the Court's email dated April 21, 2017 to James Manning, Office of the Secretary of Education, and the law firm of John Ashcroft, expressing the Court's view of the need for a skilled mediator in this case. This e-mail was not previously designated for inclusion in the joint appendix because it was not filed in Court, but we will include this document in our motion for leave to file this status report with the Federal Circuit. Further, in accordance with the Court's order dated September 12, 2017, we also will be including a copy of that order in our motion for leave.

Respectfully submitted,

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September 14, 2017

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