

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
(Bid Protest)

_____)	
ENTERPRISE RECOVERY SYSTEMS, INC.,)	
)	
Plaintiff,)	No. _____
)	
v.)	Judge _____
)	
UNITED STATES,)	
)	
Defendant.)	
_____)	

APPLICATION FOR PRELIMINARY INJUNCTION

Pursuant to RCFC 65, Plaintiff Enterprise Recovery Systems, Inc. (“ERS”) moves for a preliminary injunction to prevent the United States Department of Education (the “Department”), from awarding certain new task orders¹ (or from directing performance thereunder) to private collection agencies other than ERS for debt collection services, without awarding a similar task order to ERS, prior to the resolution of the merits of ERS’s protest. For the reasons set forth in the accompanying Memorandum of Points and Authorities, the Department’s determination to award new task orders to contractors other than ERS, without awarding a similar task order to ERS, was arbitrary and capricious, an abuse of discretion, and otherwise contrary to law and

¹ The new task order contracts have been awarded to contractors via provisions in their current task order contracts. The current GSA Schedule contract and task order numbers for each awardee are as follows: Financial Management Systems, Inc.’s current task order no. is ED-FSA-09-0011 issued under GSA Schedule contract number GS-23F-0063J; Continental Service Group, Inc.’s current task order no. is ED-FSA-09-O-0008 issued under GSA Schedule contract number GS-23F-0084P; Account Control Technology, Inc.’s current task order no. is ED-FSA-09-O-0005 issued under GSA Schedule contract number GS-23F-0235K; Windham Professionals, Inc.’s current task order no. is ED-FSA-09-O-0021 issued under GSA Schedule contract number GS-23F-0030U; and GC Services Limited Partnership’s current task order no. is ED-FSA-09-O-0012 issued under GSA Schedule contract number GS-23F-0279K.

regulation. As explained in the accompanying Memorandum, ERS is likely to prevail on the merits of its protest, ERS will suffer irreparable harm in the absence of preliminary injunctive relief, and the balance of harms and public interest favor the granting of preliminary injunctive relief.

Pursuant to RCFC Appendix C, Rules 10 and 11, ERS has provided, by electronic means, a copy of (1) this Application, (2) the Memorandum supporting this Application, and (3) ERS's Complaint for Declaratory and Injunctive Relief to:

U.S. Department of Justice
Commercial Litigation Branch
1100 L Street, NW, 8th Floor
Washington, D.C. 20530
Fax: (202) 305-2062
E-mail: nationalcourts.bidprotest@usdoj.gov

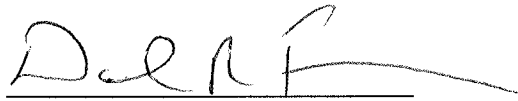
ERS has provided, by electronic means, copies of this Application to the following awardees:

- Jason A. Levine, Esq. (attorney for FMS, Inc.), jlevine@velaw.com
- Continental Service Group, Inc., clientcare@conserve-arm.com
- Account Control Technology, Inc., ClientServices@accountcontrol.com
- Windham Professionals, Inc., info@windhampros.com
- GC Services Limited Partnership, gcinfo@gcserv.com

ERS will provide a copy of the Memorandum supporting this Application, and ERS's Complaint for Declaratory and Injunctive Relief, to counsel for each awardee upon the Court's issuance of a protective order and the admission of such counsel under that protective order.

March 10, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D R F', with a long horizontal flourish extending to the right.

Daniel R. Forman
(Counsel of Record)

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